

Themis in Sophocles

by

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Abbreviations and Primary Texts

Abbreviations for ancient authors and works follow those listed in *LSJ*; for journals, the conventions of *L'Année Philologique*—with the obvious anglicizing adjustments (i.e. *TAPA*); for epigraphic corpora, those of the *Supplementum Epigraphicum Graecum*; and for papyri, the conventional notation (see http://scriptorium.lib.duke.edu/papyrus/texts/clist_papyri.html for an up-to-date bibliography). In addition, the following standard abbreviations are employed:

D-K	Diels, H. & W. Kranz, edd. 1974. <i>Die Fragmente der Versokratiker</i> . ⁸ 3 vols. Berlin.
EGF	Davies, M., ed. 1988. <i>Epicorum Graecorum Fragmenta</i> . Göttingen.
LIMC	Ackermann, H.C., & Gisler, J-R., edd. 1981-. <i>Lexicon iconographicum mythologiae classicae</i> . Zürich.
LSJ	Liddell, H.G., and R. Scott., eds. 1996. <i>A Greek English Lexicon 9th Ed. With Revised Supplement</i> . Revised by H.S. Jones & R. McKenzie. Oxford.
M-W	Merkelbach, R., & West, M.L., edd. 1967. <i>Fragmenta Hesiodica</i> . Oxford.
PEG	Bernabé, A., ed. 1987. <i>Poetae Epici Graeci Pars I</i> . Stuttgart. _____, ed. 2004-7. <i>Poetae Epici Graeci Pars II</i> . 3 Vols. Munich, Leipzig, & Berlin.
PMG	Page, D., ed. 1962. <i>Poetae Melici Graecae</i> . Oxford.
P-W	Parke, H.W. & Wormell, D.E.W. 1956. <i>The Delphic Oracle</i> . Oxford.
Suda	Adler, A., ed. 1928-38. <i>Lexicographi Graeci. Suda Lexicon</i> . 5 vols. Stuttgart.
TrGF	1971-2004. <i>Tragicorum Graecorum Fragmenta</i> . Göttingen. Vol. 1 (B. Snell, ed.; corr. R. Kannicht [1986]) Vol. 2 (R. Kannicht, B. Snell, edd. [1981]) Vol. 3: Aeschylus (S. Radt, ed. [1985])

Vol. 4: Sophocles (S. Radt, ed. [1977])

Vol. 5: Euripides (R. Kannicht, ed. [2004])

Textual references are drawn from the following asterisked critical editions. Alternative readings favored by other editors are occasionally discussed, and in the case of epic fragments, the editions of Bernabé (*PEG*) and Davies (*EGF*) are cited in tandem.

- Homer** *West, M.L., ed. 1998-2000. *Homeri Ilias*. 2 Vols. Stuttgart.
*Mühlh, P. von der., ed. 1962. *Homeri Odyssea*.³ Stuttgart & Leipzig.
Thiel, H. van., ed. 1991. *Homeri Odyssea*. Hildesheim.
- Hesiod** *Solmsen, F., ed. 1970. *Hesiodi Theogonia Opera et Dies Scutum. Fragmenta Selecta* (R. Merkelbach & M.L. West, edd.).³ Oxford.
- Homeric Hymns** *Allen, T.W., ed. 1912. *Homeri Opera V. Hymnos Cyclum Fragmenta Margiten Batrachomyomachiam Vitas Continens*. Oxford.
West, M.L., ed. 2003. *Homeric Hymns, Homeric Apocrypha, Lives of Homer*. Cambridge.
- Pindar** Snell, B., & Mähler, H, edd. 1997. *Pindarus Pars I: Epinicia*.⁸ Stuttgart.
Mähler, H., ed. 2001. *Pindarus Pars II: Fragmenta Indices*. Stuttgart.
- Aeschylus** *West, M.L., ed. 1990. *Aeschyli Tragoedia cum incerti poetae Prometheus*. Ed. corr. Stuttgart.
Page, D., ed. 1972. *Aeschyli septem quae supersunt tragoedias*. Oxford.
- Sophocles** Lloyd-Jones, H., & Wilson, N.G., edd. 1990. *Sophoclis Fabulae*. Oxford.
- Scholia (Σ)**
- to Homer* Erbse, H., ed. 1969-88. *Scholia Graeca in Homeri Iliadem*. Berlin.
van Thiel, H., ed. 2000. *Scholia D in Iliadem*. Proecdosis available online at <http://kups.ub.uni-koeln.de/volltexte/2006/1810/>.
- to Pindar* Drachmann, A.B., ed. 1903-1927. *Scholia Vetera in Pindari Carmina*. 3 Vols. Stuttgart.
- to Aeschylus* Smith, O.L., ed. 1976-82. *Scholia in Aeschylum*. 2 vols. Leipzig.

Other authors, works (or occasionally, editors) referred to are as follows:

- Alcaeus** Voigt, E.-M., ed. 1971. *Sappho et Alcaeus*. Amsterdam.

- Aristotle** Rose, V., ed. 1966. *Aristoteles Fragmenta*. Stuttgart.
- Apollodoros** Wagner, R.A., ed. 1926. *Mythographi Graeci Vol. I.*² Stuttgart.
 Frazer, J.G., ed. 1921. *The Library*. 2 vols. Cambridge.
- Apollonios** Vian, F., & Delage, E., edd. 1976-1981. *Apollonios de Rhodes Argonautiques*.
 Paris.
- Bacchylides** Mähler, H., ed. 2003. *Bacchylides*. Munich.
- Demosthenes** Dilts, M.R., ed. 2002-9. *Demosthenis Orationes*. 4 vols. Oxford.
- Dinarchos** Burt, J.O., ed. 1954. *Minor Attic Orators II: Lycurgus, Dinarchus, Demades, Hyperides*. Cambridge
- Diodoros** Oldfather, C.H., ed. 1946. *Diodorus of Sicily*. 12 vols. Cambridge.
- Euripides** Diggle, J., ed. 1981-94. *Euripidis Fabulae*. Oxford.
- Herodotus** Hude, C., ed. 1927. *Herodoti Historiae*.³ Oxford.
- Hyginus** Marshall, P.K., ed. 2002. *Hyginus Fabulae*.² Munich & Leipzig.
- Kallimachos** Pfeiffer, R., ed. 1949. *Callimachus*. 2 vols. Oxford.
- Lycophron** Hurst, A., & Kolde, A., edd. 2008. *Lycophron Alexandra*. Paris.
- Orphic Hymns (Orph. h.)** Athanassakis, A.N., ed. 1977. *The Orphic Hymns. Text, Translation and Notes*. Atlanta.
- Ovid** Tarrant, R.J., ed. 2004. *P. Ovidi Nasonis Metamorphoses*. Oxford.
- Pausanias** Rocha-Pereira, M.H., ed. 1989-90. *Pausaniae Graeciae Descriptio*. 3 vols.
 Leipzig.
- Plato** Burnet, J., ed. 1907. *Platonis Opera Tomus V*. Oxford.
 _____, ed. 1900. *Platonis Opera Tomus I*. Oxford.
 Slings, S.R., ed. 2003. *Platonis Respublica*. Oxford.
- Plutarch** Bowen, A., ed. 1992. *Plutarch. The Malice of Herodotus*. Warminster.
- Porphyry** *MacPhail, J.A. 2007. *Proecdosis of Porphyry's Homeric Questions on the Iliad*.
 Diss. Ann Arbor.
 Schrader, H., ed. 1880. *Porphyrii Quaestionum Homericarum ad Iliadem Pertinentium Reliquiae*. Leipzig.
- Strabo** Jones, H.L., ed. 1949-54. *The Geography of Strabo*. 8 vols. Cambridge.
- Thucydides** Jones, H.S., & Powell, J.E., edd. 1902. *Thucydidis Historiae*. Oxford.

Xenophon Marchant, E.C., ed. 1923. *Xenophon IV: Memorabilia, Oeconomicus, Symposium, Apology*. Cambridge.

Introduction

a. *Themis* in Sophocles

The title of this study is somewhat misleading: one will not have to get much beyond the table of contents or the first few pages to realize that I am not concerned solely with *themis* in the works of Sophocles, but rather with the use and semantics of *themis* (and its related terms) in Greek from the earliest evidence to Sophocles' later tragedies. Had it been written in a bygone era, perhaps the title *Themis in Sophoclem* would have been more appropriate, but it is an unfortunate shortcoming of English that it has no way of delineating the force of *in* by means of an accusative or ablative, respectively. My point is that Sophoclean tragedy is not so much the outright focus of the argument as its culmination, and I ask for the reader's indulgence here on the first page, as my study will work its way through a wide swath of material—literature, primarily, but epigraphy, cult, and myth as well—culminating in an analysis of Sophocles' *Philoctetes* which constitutes the capstone of the argument.

i. *Scholarship and Methodology*

Themis is a complicated idea and, along with its related terms (*themistes*, *themisteuein*, personified *Themis*), has a wide variety of meanings. Often translated simply as 'custom', *themis* chiefly denotes what is right or normal, but its semantic range also includes a particular connection to oracles and oracular utterance. So *themistes* denote both oracles and legal decrees, and the verb *themisteuein* the act of prophesying or of legislating, while *themis* itself appears most commonly as an abstract principle of order (usually socio-political, but also cosmic) and especially in rhetorically charged situations. The complications do not end there,

however: *Themis* is also a personified divinity—a goddess of order and of oracles—and her infrequent appearances in literary works add a further, mythological wrinkle to the range of contexts in which the term applies. The breadth of meanings and implications is impressive, but presents unique challenges: piecing together the term’s disparate significances is difficult, and scholars have made a number of attempts to sort out the various relationships.

Before turning to my own approach, it is important to survey the questions and interpretations of previous scholarship. From it, I inherit an interest in the chief difficulty with *themis*, namely, the relationship between the term’s two primary semantic fields—the oracular and the abstract. For at first glance, it is not apparent how the same term can apply both to the norms of social interaction (to cite the most common usage) and to the mechanism of oracular divination.¹ In addition, however, there is a further problem, in which I am less interested: while *themis* is clearly an important term in Greek concepts of social order, the prominence of this aspect is limited largely to the archaic period. *Themis* ceases to have socio-political implications over time, and what it denotes as right or normal becomes increasingly restricted to ritual regulations.² This abstract, social aspect of the term seemingly declined in importance as it was replaced over time by the related ideas of *nomos* and *dikê*. Naturally, there has been no consensus—either on the priority (whether chronological or logical) of one semantic field over the other, or as pertains to *themis*’ importance in early society—even though a glut of scholarly ink has been spilled in speculation.

¹ This problem actually contains a further one, namely, whether the abstract idea of *themis* is prior to the personified deity (or vice-versa), but it is best discussed in terms of the relationship of the two semantic fields—see below.

² So the sacrifice of a goat or a piglet is forbidden (*ταῖγα οὐ θέμις, οὐ[δὲ] χοίρον*), and women are excluded (*οὐδὲ γ[υ]ναικὶ θέμις*), at the cult of Herakles on Thasos according to a *lex sacra* dated to 440 BCE: Sokolowski (1962: §63). There are many further *leges sacrae* involving *themis* from the fifth century on: see §55; §65; §66; §68; §73; §74; §120, and also Sokolowski (1969: §54; §96; §109; §110; §114). See further Cole (1992).

The latter problem—concerning *themis* and early society—is the more elusive of the two, and my lack of interest in it stems largely from the need to employ an evolutionary or developmental hypothesis of one sort or another in treating it. So Jean Rudhardt, in his study, agrees with Clotz and Benveniste in arguing that *themis* originally denoted order at the level of the family, before more ‘developed’ communities requiring a similar principle of order coalesced.³ Joanna Janik’s study of *themis* in epic similarly finds that the term’s significance shifts from denoting the ruler’s will to that of his society.⁴ The trend continues elsewhere: taking up the idea that *themis* denotes law prior its codification, Marinella Corsano similarly treats it as an aristocratic idea subsequently usurped by *nomoi* and the rise of democracy.⁵ Other analyses are similarly social-historical in outlook, with anthropology increasingly providing a framework. Since many of the aforementioned studies relate *themis* to kingship (or an early *paterfamilias*-like figure), it is easy to assume that *themis* denotes something resembling the near-eastern divine right of kings—a convenient parallel that permits one to connect *themistes* (and a ruler’s authority) with *themistes* (and oracles). Social authority becomes grounded in and protected by Zeus, it is argued, who inspires and underlies the laws and norms of human society.⁶ *Themistes* can accordingly denote the oracles that guide a ruler as much as the legislation he enacts.

I do not take issue with any of these ideas *per se*, but in light of similar arguments concerning the oracular aspect of *themis*, I find these scenarios—for all their plausibility—somewhat limited. For scholars of religion, who prioritize rather the goddess and her oracular aspect in reconstructing the history of *themis* (and therefore play down the abstract idea),

³ Rudhardt (1999: 16-8).

⁴ Janik (2003: 69).

⁵ Corsano (1988: 61-93).

⁶ So Vos (1956: 4-9). On the memory of kings’ divine rights in Homer, see Mondì (1980).

employ similar anthropological reasoning, in which development and evolution remain the crucial ideas. One reads that *Themis* was originally an emanation of Gaia—in fact, the epithet given to Gaia’s oracular aspect—and that her role as a protector of familial and social order developed out of this connection to the mother of all things.⁷ As the idea of *Themis* evolves, the reasoning goes, so too does her sphere of influence expand from ‘natural’ order to include a more advanced ‘social’ kind of order. Some tweaking remains necessary, and so for example, Jane Harrison remarks that “Themis is in a sense prophecy incarnate, but it is only in the old sense of *prophecy*, utterance, ordinance, not in the later sense of a forecast of the future.”⁸ The oracular and abstract semantic fields of the term again are brought into harmony, with the adjustment that the oracular is this time given priority over the abstract. But while both are plausible, these two interpretive camps are essentially the two sides of the same problematic coin: whether one takes as primary the oracular, personified aspect of the goddess or the abstract idea of order, it is possible to construct a narrative in which the term’s two semantic fields evolve out of (or in relation to) one another, and there are plenty of anthropological reasons to support either analysis. Although the idea that a ruler’s authority was thought to derive from Zeus is certainly true, it can easily be spun to support the priority of either the abstract or the oracular implications. In the end, the origins of *themis* cannot be discerned with any certainty, and the relationship between its social and oracular aspects in this early period remain hypothetical.

While there is much to admire in the analyses of previous scholars—and I owe particular debts to all of them—the study that follows marks a sharp break from their assumptions. For one thing, it finds no evidence for the oracular semantic field of *themis* prior

⁷ Farnell (1896-1909: iii. 12-3). For further references, see the discussion at the start of the third chapter (p. 123, n.3 *infra*).

⁸ Harrison (1927: 481-2). Despite the title of her work, *themis* is not really Harrison’s subject.

to the so-called Pythian *Hymn to Apollo*, and as a result, I wholly jettison the premises on which they rely, and therefore the general thrust of their arguments as well. Gone are the ideas either that the oracular and abstract semantic ranges of *themis* are coextensive or that the term's earliest implications are bound up with their relationship. In light of these misassumptions, I am less interested in the origins of *themis* than in the changes that the term's semantic range undergoes and in the emergence of its oracular force. For while there is a wealth of literature on *themis* in archaic society, much of that requires rethinking once one accepts that the term's oracular aspect has been erroneously projected into its past.

I indicate my break with scholarly tradition as an apology of sorts. The approach taken in this study may strike some as surprisingly devoid of the insights of previous scholars or—worse yet—negligent of them, but in response, I counter simply that my reanalysis of *themis* has different goals that require a new tack. In place of an anthropological interest in the organization of early societies and oracles, my approach to the semantics of *themis* is informed instead by the work of Ludwig Wittgenstein, whose theories about language-games and the so-called 'family resemblances' of words' various applications resist the idea of essential semantic qualities. Wittgenstein instead posits that language is an activity that is performed, and acknowledges the possibility that terms can have distinct pockets (or 'families') of meaning with no single unifying link for all their implications. One of the classic cases, for Wittgenstein, is the idea of a game:

Consider for example the proceedings that we call "games". I mean board-games, card-games, ball-games, Olympic games, and so on. What is common to them all?—Don't say: "There *must* be something common, or they would not be called 'games' "—but *look and see* whether there is anything common to all.—For if you look at them you will not see something that is common to *all*, but similarities, relationships, and a whole series of them at that. To repeat: don't think, but look!—Look for example at board-games, with their multifarious relationships. Now pass to card-games; here you find many correspondences with the first group, but many common features drop out, and others appear. When we pass next to ball-games, much that is common is

retained, but much is lost.—Are they all ‘amusing’? Compare chess with noughts and crosses. Or is there always winning and losing, or competition between players? Think of patience. In ball games there is winning and losing; but when a child throws his ball at the wall and catches it again, this feature has disappeared. Look at the parts played by skill and luck; and at the difference between skill in chess and skill in tennis. Think now games link ring-a-ring-a-roses; here is the element of amusement, but how many other characteristic features have disappeared! And we can go through the many, many other groups of games in the same way; can see how similarities crop up and disappear.

And the result of this examination is: we see a complicated network of similarities overlapping and criss-crossing: sometimes overall similarities, sometimes similarities of detail.⁹

When thinking about games, there is no single feature common to all, but rather particular kinds (or ‘families’) that resemble and differ from one another in various ways. Some games utilize boards, some balls, some cards; some games require a winner, some simply amusement; some games employ different combinations of these attributes, with the result that almost any activity can termed a game or become a game since the features of games are so varied and fluid.¹⁰ My approach in this study of *themis* is not to think about the relationship of its oracular and abstract semantic ranges, but to *look*—as Wittgenstein suggests—at the uses themselves, and at the points of contact between their disparate implications. One should not expect uniformity, but variety and distinction in usage; language, Wittgenstein tells us, contains the possibility of other sentences,¹¹ and given the breadth of *themis*’ semantic range, this term is an appropriate locus for an application of Wittgenstein’s ideas about semantic families in language.

In what follows, I argue that the abstract uses of *themis* comprise one broad semantic family, applying to the order or right of everything from biological urge to familial interaction, from ritual norms to social norms, and from the order of the cosmos to the boundaries of

⁹ Wittgenstein (1953: §66).

¹⁰ Indeed, in another of Wittgenstein’s examples—that of the builder’s materials (1953: §8-9)—the process of communication appears very much like a game.

¹¹ Wittgenstein (1953: §20).

human fate. This semantic range is revealed in early reflections on social and cosmic order, and recurs as well in mythological narratives. I will describe it variously as ‘traditional’ or ‘epic’ *themis*. The oracular semantic range, which I will argue is novel in comparison, constitutes a separate semantic family revealed in literary and mythological innovations. Separating the two fields becomes imperative: while the problem-solving activity of a god’s oracular revelation bears some resemblance to the legislation of a human ruler, there is no need to assume that there is a single definitive commonality to oracular and legal *themistes*. The disparate semantic families contain a wide number of possible referents, and as a result, individual references or claims about *themis* resist rigid categorization. What *themis* specifically implies is regularly unclear, since a variety of semantic possibilities are in play in individual uses of the term.

The examination of individual uses in particular literary texts is linked by an overarching metanarrative of sorts. For in analyzing the breadth of *themis*’ implications, I find that the term’s semantic field shifts over time. As was noted, I will argue that in its earliest appearances *themis* was an abstract (and broad) idea of order or right, describing a wide variety of norms operating in nature, human society, and all the way to the order of the cosmos. The emergence of *themis*’ oracular implications by the fifth century, therefore, represents a shift. As I discuss it, however, the new semantic range causes problems for the traditional, abstract sense of the term, and the role of *themis* (or what it denotes and demands) becomes unclear. Sophoclean tragedy provides a resolution: in his later plays, I find a reconciliation of the two semantic fields. When Neoptolemos, Oedipus, and Electra speak of *themis*, the term describes not only what is normal or right, but also what has been commanded by an oracular utterance. Sophocles rejuvenates the term by indicating the consistency of its two semantic ranges, all while retaining the underlying complexity of the term. For it is not the case that *themis* has any one particular or precise meaning in the tragedies, but (as befits the term’s breadth of

implications) one can interpret the dictates of *themis* with reference to a number of its various semantic families' attributes. Thus, while I trace certain changes in the semantic range of *themis*, the larger argument does not contradict the focus on individual uses' complexity. What later Sophoclean tragedy reveals, instead, is one particularly new nexus of meanings for *themis*.

I do not want all this talk about Wittgenstein and what I've labeled (for lack of a better term) this study's metanarrative to give the impression that it is highly theoretical or abstract. Rather, the reality is far from it, and one will be hard pressed to find references to Wittgenstein or the like popping up in the argument itself. I endeavor to discuss the evidence in straightforward, untheoretical terms; to my mind, complexity and inscrutability are appropriate for a subject whose variety of implications invites scholarly treatment such as my own, but less so for the treatment itself, which should more properly aim at elucidating those complexities as plainly as possible. As such, I hope my reader will notice the attention to the evidence (textual or otherwise) under discussion, rather than be distracted by the kind of theoretical jargon that can quickly render scholarship unreadable. And the evidence itself is vast: my approach consists largely of close readings of a broad swath of archaic and classical Greek literature involving *themis*, as is fitting given that the evidence for the term's semantics derives largely from literary sources. Though they by no means comprise the full extent of the authors and works under consideration, Homer, Hesiod, the Homeric hymns, Pindar, Aeschylus, and Sophocles all receive focused treatment and the interpretations I offer are often quite novel in their elucidation of individual passages. But at the same time, for a term like *themis*, which was personified as a deity and therefore had an existence beyond the scope of literature, one cannot rely solely on literary sources. The history of *Themis*-cult and oracular divination is also crucial to the distinction between the term's semantic fields, and the third

chapter (in particular) relies on epigraphic and archaeological evidence to describe the state of cult at various sites across Greece from the archaic into the classical period.

Because of its focus on one word (and its related terms), I view this study very much as the product of traditional philology, but at the same time, I hope that the attention to semantics and rhetoric—not to mention the epigraphic and archaeological evidence—set that philology in a wider methodological and cultural context. Understanding what *themis* meant to the Greek world—both how it was used in dialogue and debate, and how the idea received worship as a divinity—reveals quite a bit about that world, and philology must accordingly reflect the wider contexts in which language is used.

ii. Outline of the Argument

The preceding discussion has hinted at the structure of the argument, but it is worth laying out in some detail before launching into it. This study has two aims—one primary, one secondary. The primary aim is to distinguish the two semantic fields of *themis* and outline the spheres in which they respectively operate, as well as the breadth of implications that each has. In this respect, the study falls roughly into two parts: the first three chapters concern the traditional, abstract semantic range of *themis*, and the last three the emergence of the term's oracular implications, the crisis of *themis* that follows, and the resolution in Sophoclean tragedy. The first two chapters introduce the Indo-European evidence and survey the Linear B tablets before turning to the first literary appearances in Homer and Hesiod, and, subsequently, the evidence for archaic *Themis*-cult. Here, I aim to outline the breadth of *themis*' applications, particularly as they appear in epic: positive assertions of *themis* ($\eta\theta\acute{\epsilon}\mu\iota\varsigma \acute{\epsilon}\sigma\tau\iota$) serve to permit or recommend, while negative ones ($\sigma\upsilon\theta\acute{\epsilon}\mu\iota\varsigma$) forbid, but the possible contexts involving permission or prohibition are virtually limitless. Everything from sex to the

workings of justice to human fate and the order of the cosmos can be classified in terms of *themis*, and as I turn to the goddess herself, I find that she appears with particular reference to the authority of Zeus.

For all the breadth of the term's application, however, I find no evidence for oracular connotations of *themis* in epic: although *LSJ* cites *Od.* 16.403 in glossing *themistes* as 'oracles',¹² my analysis of this scene (which involves the seer Amphinomos' reference to the *themistes* of Zeus) indicates not that any oracles are at stake, but that it rather makes the rhetorically effective point that killing Telemachos (who is royalty) is both a clear violation of *themis* and will incur Zeus' wrath. For *themistes* in epic are, of all the uses of *themis*, the most easily categorized: they apply almost exclusively to figures of human social or political authority, but have no particular connection to the divine apart from their semantic link to *themis*. Human figures of authority make claims about *themis* or deliver *themistes*, but there is no guarantee that they be consistent with the dictates of *themis*. The entire literary façade of Hesiod's *Works & Days*, after all, is bound up with the crooked decisions of corrupt *basileis*. The uses of *themis* in epic are wholly consistent with its abstract semantic range.

The third chapter's survey of evidence for *Themis*-cult reinforces the findings of the first two: there is no evidence for an oracular role for *Themis* in the archaic period, and in places where evidence is relatively abundant, the goddess appears in her traditional aspect as a divinity related to order. So in Thessaly she is affiliated with the agora and Athena, while at Rhamnous she is worshipped alongside Nemesis. Although she is present at the oracular shrines of Delphi, Dodona, and Olympia, furthermore, there is no basis for asserting an autonomous oracular function. I am not the first to question the evidence for this oracular

¹² *LSJ* s.v. III.

aspect at the major oracles,¹³ and there is good reason to consider *Themis*' oracular aspect an innovation which was projected back into mythological history. In support of this skepticism, I outline the entrepreneurial impetus at Delphi (vis-à-vis Dodona, in particular) which saw the shrine undergo a variety of changes following the conclusion of the colonizing period. The evidence for cult fully supports the conclusions drawn from literature in the first two chapters. Simply put, I find no evidence for an archaic oracular *themis* at any of these sites, or in any of the epic sources until the so-called Pythian *Hymn to Apollo*.

The final three chapters turn to the emergence of an oracular *themis* and the problems that its two semantic fields present for poets. Essential to this rise is the increasing prominence of oracular divination, especially at Delphi: Himerios' summary of a hymn to *Apollo* by Alcaeus has the god head there to reveal *themis*, and in the so-called Pythian portion of the Homeric *Hymn to Apollo* we find the first conclusive evidence for *themistes* as 'oracles' and the verb *themisteuein* as 'to deliver oracles'. The reasons for the evolution may stem from myth: as early as Homer, oracles were thought to transmit the will of Zeus (*boulê Dios*), and similarly, in the epic cycle personified *Themis* served as a counselor to the *boulê Dios*. Once oracles increasingly prescribe particular actions, however, one can surmise that the *boulê Dios* revealed by oracles is consistent with *themis*. For *themistes* in the Pythian hymn are thought to contain the *boulê Dios*, and, given the goddess' association with Zeus and the increasingly prescriptive contents of oracles, it becomes easy to label oracles *themistes*. By 478 BCE, *Themis*' oracular aspect is fully on the scene: Pindar's eighth *Isthmian* ode presents the first appearance of an oracular *Themis* in action, and the ode appropriately bears real marks of poetic and mythological innovation.

¹³ See especially Sourvinou-Inwood (1987); Berti (2002).

Having traced the background of *themis*' oracular semantic range, the fifth chapter turns to Aeschylus, where a veritable crisis of *themis* irrupts. For *themis* in Aeschylus is regularly in conflict with itself: Agamemnon rationalizes the sacrifice of Iphigenia by invoking *themis*, which brings his paternal obligations into conflict with Calchas' prophecy; and so too does Eteokles ignore the chorus' appeal to *themis* in submitting to the anger of Apollo and choosing to face his brother. *Themis* becomes divided against itself: what must happen and what should happen—both denoted by *themis*—become in Aeschylean tragedy incompatible, and the result is the kind of *aporia* which makes Aeschylean characters so tragic. Even in *Prometheus Bound*, which I doubt to be from Aeschylus' hand, the two disparate aspects of *themis* are in play; the rise of Zeus' regime is the result of an affiliation with *themis* (as in Hesiod), but from the perspective of the dramatic present and his conflict with Prometheus, it is sorely lacking in that respect. Looking forward, so too does the prediction of Zeus' future downfall derive ultimately from Prometheus' mother *Themis*, and the result is that the different aspects of *themis* each portray the instability of the current cosmic regime, albeit in their own separate ways. In Aeschylean tragedy, the complexity of the term problematizes the variety of implications *themis* can have.

The sixth and final chapter provides the capstone to the argument as a whole. Through an analysis of later Sophoclean tragedy—particularly *Philoctetes*, but also *Oedipus at Colonus* and *Electra*—I trace a working out of *themis*' disparate semantic fields. No less profound than the variety of possible implications regularly found in Homer or Aeschylus, Sophoclean *themis* is unique inasmuch as the abstract and oracular semantics of the term coincide. When Sophoclean characters speak of *themis*, they denote an ethically appropriate action that coincides with the demands of divine necessity (as revealed by oracle or prophecy). The crucial uses in each play similarly introduce themes of supplication, ritual, and even

pollution against the backdrop of oracles or prophecies, and the claims about *themis* which result reveal unparalleled profundity. In *Philoctetes*, in particular, the dictates of *themis* are actually thematized: as Neoptolemos struggles with the deception of *Philoctetes* and his emerging ethical instincts, he comes to recognize the truth of Helenos' prophecy and his obligation to *Philoctetes*, at which point he asserts *themis* autonomously for the first time. Herakles' appearance confirms his insight and his convictions: the two must go to Troy together. Sophoclean *themis* reveals a new nexus of implications in the semantic field of *themis*.

iii. Character-speech and the Rhetoric of *themis*

The second aim of the argument runs parallel to the overarching study of *themis*' semantic ranges, but is rather more concerned with a unique class of expressions that utilize *themis* in its abstract capacity, examples of which pop up across the various works under discussion. In this class of expression, individuals make assertions or claims about what is or is not *themis*, and these claims serve generally to endorse or forbid a course of action or situation. The mechanism of the claims to *themis*, however, is surprisingly complicated. On the one hand, they are rare, but on the other, they are usually rhetorically and situationally charged. They almost always occur in dialogue, when one figure attempts to make a point that he anticipates will be objectionable to his interlocutors. But despite the charged context in which they appear and the attendant possibility of objection, claims about *themis* are never actually denied. A speaker's decision to invoke *themis*, then, is rhetorically interesting for its force and for the way it limits an interlocutor's possible responses.

Crucial to this unique class of claim is the fact that it appears predominately in character-speech and not in ordinary narrative. One might object that for the present study, which involves much discussion of tragic texts, such predominance is simply the function of

the source material, which largely consists of the character-speech of various *dramatis personae*. But as Jasper Griffin has pointed out, even in Homer this distinction in usage holds true. Only rarely does the Homeric narrator make claims pertaining to *themis*, and the reason for the disparity appears to lie in his neutrality: as Griffin puts it, “What is avoided is the expression in the narrative of certain sorts of judgment: on the rightness and wrongness of action, on the sense or folly of decisions and moods.”¹⁴ In Hesiod as well—poems which contain a much larger proportion of direct narration—claims about *themis* remain rare: only when he describes sacrifice to the gods as *themis* for human beings does the narrator introduce one (*Op.* 136-7).¹⁵ *Themis* is so loaded and rhetorically charged a term that it presents particular difficulties for a narrator, and as a result its use is largely limited to the speeches of individual characters.

When a speaker invokes *themis*, all of the term’s connotations of order and right irrupt into the dialogue. Some claims—like the ideas that it is *themis* to treat a guest graciously (*Il.* 11.779) or that it is *themis* for a man and woman to sleep together (*Il.* 9.134=9.276)—reflect common assumptions about what is appropriate, and are unlikely to provoke any objection. Other claims are more clearly rhetorical maneuvers aimed specifically at avoiding

¹⁴ Griffin (1986: 38), echoing Vos (1956: 17), for whom *themis* “für den heroischen Menschen außer Debatte steht.” Griffin counts thirty-three uses of *themis* or related terms in character-speech and only four in the narrative—a ratio of over 8:1. These numbers appear off by my count: I have thirty-four uses of *themis* or related terms in character-speech, and six by the narrator—a ratio of 5.67:1. Griffin’s point remains valid despite the lowering of the ratio. The exceptions to the narrator’s general aversion to judgment are noteworthy for their unusual character: he asserts that it was not *themis* for Achilles’ helmet to have been sullied (*Il.* 16.807) and that fighting gods is not *themis* (*Il.* 14.386); he mentions the agora in a hendiadys with *themis* (*Il.* 11.807); in describing the din of horses’ running he compares it to the sound of a storm raised by Zeus in anger at the crooked *themistes* of mortals (*Il.* 16.387); he describes Athena stirring Odysseus to discover which of the suitors were *athemistioi* (*Od.* 17.363); and only once describes a particular suitor as ‘knowing things contrary to *themis*’ (*Od.* 20.287).

¹⁵ In the account of Zeus’ promise to distribute honors to the gods fairly (*Th.* 392-6), there is a similar claim to *themis*, but this occurs in indirect discourse (itself a rarity in epic) and therefore still probably reflects character-speech. On the rarity of indirect discourse in epic, see the citations given by West (1966: *ad* 392).

confrontation or disagreement. In *Iliad* 9, for example, Diomedes prefaces his criticism of Agamemnon by positing that it is *themis* for him to do so in the context of the agora (9.32-3), and his decision to invoke *themis* is pretty clearly an attempt to avoid the kind of quarrel he has previously seen such criticism provoke. The façade of propriety is so powerful that it even applies in claims about *themis* that are clearly objectionable. So when Achilles invokes *themis* in refusing to bathe (*Il.* 23.44), it is pretty clear that the others do not agree with him, even though they make no rebuttal to his claim and simply obey him (23.54). A speaker may have any number of motives for making a claim to *themis*, but in all cases, the connotations of order—even if out of place—forestall the possibility of argument. It is as though *themis* functions as a rhetorical trump card of sorts.

The fact that speakers do not deny claims to *themis* presents an interesting problem: while no one would reasonably argue against *themis*, it nonetheless remains theoretically possible for a particular claim to be called into question, especially when that claim is overbearing or touches on a sensitive topic. But this does not happen, which invites investigation as to why claims about *themis* are not denied. A number of explanations are possible:¹⁶

- a) **The claim is valid:** the interlocutors make no objection because the claim is not objectionable. So Priam has no response when Achilles apologizes for setting up a bed outside (*Il.* 24.650-5): he accepts that it is *themis* for the Achaeans to visit and deliberate with Achilles, and that Achilles does not want him to be discovered.
- b) **Agreement is irrelevant,** either because the thrust of the speech is agreeable, or the claim to *themis* is not particularly crucial to the point. So Agamemnon's claim that sex is *themis* (*Il.* 9.134=9.276) receives no comment because the thrust of his claim is that he did not sleep with Briseis.
- c) **Agreement is uncalled for** because the speaker has the authority to enact it regardless of the audience's response. So no objection is made to Agamemnon's claim that it is *themis* for him to test the troops and feign defeatism—even though he should expect victory—because his authority over the army permits him test them as he pleases (*Il.* 2.56-75).

¹⁶ This taxonomy of responses to claims about *themis* owes a particular debt to Ruth Scodel.

- d) **Disagreement is unwise.** Three factors may urge an interlocutor to hold his tongue in the face of a claim to *themis*:
- 1) *Public disapproval*: denying a disagreeable (but reasonable) claim to *themis* in public might be a source of further criticism and dissent. So Agamemnon accepts Diomedes' criticism—prefaced by a claim to *themis* (*Il.* 9.32-3)—because the other leaders agree with Diomedes (as Nestor asserts, 9.55-6) and would therefore castigate him for behaving badly in response.
 - 2) *The authority of the speaker*: So when Menelaos invokes *themis* in challenging Antilochos to swear an oath that he did not cheat in the chariot race, Antilochos would rather give back his prize and show respect for his superior than risk perjuring himself (*Il.* 23.573-95).
 - 3) *Fear of the speaker*, which operates much like an acknowledgement of the speaker's authority. So no one will object to Achilles' claim that it is not *themis* to bathe (*Il.* 23.43-7) because in his highly emotional state (*ἑταίρου χυόμενον κῆρ*, 23.38) there is the real possibility that he might harm someone.

Even on the basis of a single Homeric text, it is clear that there are a wide variety of claims about *themis* which can prompt an impressive variety of non-responses. Thus, although I will speak of *themis* as a unique kind of rhetorical trump card, its rhetorical power ought not to mask the wide variety of reasons that underlie an audience or interlocutor's reluctance to oppose particular claims.

Although I have introduced the matter of *themis*' rhetorical force by way of Homer, it is also the case that such claims are particularly important for drama. For in light of the facts that deliberation, debate and persuasion are common to dramatic action and that dramatic speech, in general, is powerful, tragic claims about *themis* occupy a unique place in the study that follows. As in Homer, they are not contested, but in tragedy, the particular significance of a claim about *themis* is even more profound than previous works. Unlike epic, claims about *themis* in tragedy go beyond the abstract semantic range of the term: divine necessity, as revealed by oracle or prophecy, is very much in play, and the force of individual claims about *themis* must always be considered vis-à-vis the supernatural framework of the particular play. Agamemnon's deliberation, Eteokles' bloodlust, Neoptolemos' ethical dilemma, and Oedipus'

reception at Colonus all carry with them a complex network of themes and motivations, and when these characters deliver or perceive a claim to *themis*, that network in all its profundity is put on display.

iv. Orthography & Nomenclature

My practice in dealing with names has been to transliterate directly from the Greek unless a more familiar Latinate version is common in English: I find that what this practice lacks in consistency it makes up for in ease of reading. So I use Aeschylus, Achilles, Clytemnestra, Oedipus, Calchas, Electra, and Philoctetes on the one hand, but Eteokles, Askalaphos, Herakles, Hektor, Danaos, Eumaios, Neoptolemos, Okeanos etc. on the other. The distinction is wholly subjective: even though Hektor, for example, has a Latinate equivalent, I simply prefer the transliterated form of the name; similarly, I avoid the Latinate ‘Hercules’ in the case of Herakles so as not to collapse the two figures together unduly. Only occasionally is a translation of a proper name required: so the children of Zeus and *Themis* as described by Hesiod are translated into English since for the purposes of the argument their names have particular significance. I trust my reader will not be overly confused by the nomenclature.

When citing Greek text, I occasionally punctuate differently from the critical edition in use, and have put iota subscript where editors have printed adscript. Metrical arrangement—really only an issue for Pindar and Aeschylean lyric—follows the layout of Snell-Mähler and West, respectively. Any significant textual divergence will be noted and, most probably, discussed at some length.

Chapter 1

Epic *Themis* and Abstract Right

a. Introduction

The earliest uses of *themis* reveal that from an early period in Greek the term denoted an abstract idea. Most commonly, it invokes an established order to which an action or situation adheres or departs from—something is or is not *themis*. An individual's use of the term indicates—whether positively or negatively—whether a given norm is maintained or violated: the order invoked by *themis* becomes equivalent to what is 'right' or 'proper'. If something is *themis* it is permissible and appropriate, while if it is not *themis* it is forbidden and inappropriate. In the Homeric epics, claims about *themis* are already common: individuals repeatedly justify or excuse themselves from courses of action based on claims about what is (*ἡ θέμις ἐστὶ*) and is not *themis* (*οὐ θέμις*). The word carries particular force in the sphere of human activity: underlying these claims is a collective notion of some larger order (*themis*), under the purview of which different actions and situations can be organized and regulated.

As an abstract idea of order, *themis* is most discernible and occurs most commonly in the realm of human interpersonal relationships. Far more often than not, claims about *themis* are made in order to justify, excuse, or prohibit a given course of action. In early Greek literature, these claims are almost always part of character-speech—they are (as Adkins would term them) persuasive definitions.¹ In positive expressions, they describe or permit everything from the act of sexual congress to the orderly operation of the agora, an interlocutor's

¹ See Adkins (1960: 38-40). The term 'persuasive definition' originated in Stevenson (1944).

interjection, and a ruler's prerogative. In negative expressions, they describe or prohibit a variety of religious violations and anti-social behaviors such as would disturb an individual's harmonious relations with other figures both human and divine. In each invocation, the claim or denial of *themis* is powerful enough that it is never opposed. Even so, its articulation is nonetheless required: the rules which hold sway under *themis*' purview are on the one hand commonly recognized, but they must be appealed to and not taken for granted.

While few would dispute that *themis* invokes abstract right, the kinds of right invoked can vary, and it often happens that *themis* and its related terms appear in contexts where order is far from stable. While we will see in the second chapter that *themistes* are the exclusive property of human beings in epic, *themis* itself—the abstract idea of order on which those *themistes* depend—is in no way so limited. In addition to justifying or forbidding particular courses of action, the term's semantic range extends beyond the realm of human activity. For one thing, the idea is personified as a divinity in Greek epic: far from being limited to human activity, personified *Themis* appears amongst the gods as the patron of orderly communal interaction. As a personification, moreover, she has cosmic significance: Hesiod makes her the second wife of Zeus, and her union with him generates numerous forces of order governing the operation of the cosmos. Her affiliation with Zeus has further universal significance: in the tradition surrounding the Trojan war, she is closely affiliated with the will of Zeus, and her two Homeric appearances both involve situations in which his will and the norms of divine society are in question. With *themis*, we are dealing with order and norms at a level far beyond those at work in human social interactions or religious obligations: at stake as well is the divine order of the universe.

The following chapter consists of two parts. In the first, I consider the earliest linguistic evidence for *themis* and its semantic range in proto-Indo-European and the Linear B

tablets, and find that the term invokes abstract notions of order from an early point. The second portion treats the singular uses of *themis* in epic—both as an abstract idea and a personification. There, I argue for the flexibility of abstract *themis* and demonstrate the breadth of the term’s semantic range. Via an analysis of the formula ἡ θέμις (ἐστίν) and the negative equivalent οὐ θέμις, I argue that despite specific social, political or religious norms suggested by the term, these distinctions are difficult to maintain and, furthermore, that they all derive from a more universal sense of cosmic or divine order that is essential to the term’s semantic range. In turning to personified *Themis*, I argue that the Hesiodic goddess has an general affiliation with cosmic order, and in Homer, a specific one with the will of Zeus, though precisely in cases where his will is threatened or the norms of divine society are at stake. Ultimately, the earliest uses of *themis* in epic reflect cosmic order extending through divine and mortal society, but reveal the challenges to the former on the one hand and the potential for failure in the latter. Although it invokes order, epic *themis* regularly involves—whether actually or potentially—the presence of disorder.

b. Early forms of *themis*

i. Indo-European *dhê-

Linguistic analysis of the earliest formation and meaning of *themis* is profoundly schizophrenic. On the one hand, it is universally agreed that the term is very old: it is derived from the Greek verb τίθημι, which itself stems from the Indo-European root *dhê- and is cognate with the Latin verb *facio* and the English words *do*, *deed* and *doom*. Semantically, the root carries the meaning of establishing something in its place: as Benveniste notes, “the strict sense of *dhê- is ‘to put, in a creative way, establish in existence’, and not simply to leave an

object on the ground.”² In short, **dhê-* is related not simply to an act of establishment, but one of ordered establishment. But while the connection to ordered establishment appears straightforward (especially in light of the meanings of cognate *facio* and *deed*), there is much that is unclear about *themis*, and little can be asserted without reservation about the term’s earliest form and meaning before the appearance of concrete evidence in Greek.³

The obstacles to a solid understanding of Greek *themis* in its earliest uses are many. From the comparative linguist’s perspective, the rarity of the suffix *-mis* (cf. *δύναμις*), the uncertainty over past morphological changes, and irregularities in the term’s declension all impede analysis.⁴ The term’s etymology has been particularly vexed; while the basic derivation from *τίθημι* is clear, numerous etymological possibilities have been proposed for *themis* with no scholarly consensus. The problem is that by the time *themis* actually appears in Greek, it has already evolved to such an extent that scholars cannot penetrate its origins. There have even been questions on the topic of gender: was *themis* originally neuter, or feminine?⁵ But beyond matters of comparative linguistics, there is also the more pressing question of semantics; what did the term originally denote? To put the matter simply, we just do not know much about *themis* in its earliest stages save what the Indo-European derivation suggests about ordered establishment. For example, the term could potentially have denoted an agent of establishment, a capacity for establishing, an actual establishment, or the idea of order underpinning the establishment. While later usage—and Homer is here later!—reveals a wide

² Benveniste (1973: 381). See also Watkins (2000: s.v.).

³ Benveniste (1973: 382) uses comparative evidence from Avestan and Indo-Iranian to argue that *themis* is essentially related to family law, which then becomes the basis for his subsequent evaluation. For my part, it is too soon to commit myself to such specific conclusions.

⁴ So Benveniste: “[Suffixation with *-mis*] makes it probable that *thémis* is a word of great antiquity and that it has undergone morphological modifications which tended to normalize an archaic mode of declension” (1973: 382). The issues are well summarized by Rudhardt (1999: 19).

⁵ These topics are treated by Fränkel (1913), Buck (1918), and Benveniste (1973). See also Vos (1956: 37ff.).

range of uses and aspects that betray the extent of the term's evolution (i.e. abstract *themis*, personified *Themis*, objective *themis/themistes*, and verbal *themisteuein*) the details underlying the (co-) evolution of these related meanings are lost. Comparative linguistics has provided a foundation for analysis, but the irregularities and subsequent complexity of *themis* continually undermine any assertion about its earliest form and function.

ii. Mycenaean Greek

Initially, it was taken for granted that *themis* was attested in the Linear B tables. We find repeated in a tablet from Knossos the sequences *o-u-ki-te-mi*, *o-u-te-mi*, which were long interpreted as the formula *οὐχὶ θέμις / οὐ θέμις* familiar from Homer.⁶ Another tablet from Knossos was thought to preserve the sequence *e-ne-ka ti-mi-to*, which was rendered in classical Greek as *ἔνεκα θέμιςτος*.⁷ Beyond these isolated appearances of forms of *themis* in the Knossos tablets were a variety of topographical references to *ti-mi-to-a-ke-e* found in the Pylos tablets.⁸ The usage of this toponym appears interchangeable with the variant forms *ti-mi-ti-ja* and *te-mi-ti-ja*, which betray an alternation of *i/e* seen elsewhere in Linear B.⁹ Although the interpretation of *ti-mi-to-a-ke-e* gave rise to different interpretations, the variants were easily rendered as Classical *Θεμίτια*. The number of attestations of these sequences in the Pylos tablets compensated for the paucity of forms in the Knossos tablets, and left little doubt that *themis* was current in Mycenaean Greek.

⁶ KN V 280.

⁷ KN As 821.

⁸ PY *Jn* 829.13; *Ma* 123.1; *Na* 361. See also the forms *ti-mi-to-a-ke-i* (*An* 661) and *ti-mi-to-a-ke-e* (*Cn* 600).

⁹ PY *On* 300.10; *Aq* 64.6; *Jo* 438.24; *Vn* 493.2. One will notice the alternation of the vowel in the first syllable (*ti-* vs. *te-*) even in the Pylos tablets: *On* 300 has *ti-* while the others print *te-*. This alternation is a feature of the Linear B syllabary and one of the planks of the distinction between 'normal' and 'special' Mycenaean; see Collinge (1957); Hester (1958); Risch (1966); Milani (1967: 225-30).

Over the course of the last forty years, however, new analyses have increasingly undermined the basis for *themis* in Linear B. In 1968, Christiane Sourvinou forcefully re-evaluated the reading of KN As 821, replacing *e-ne-ka ti-mi-to* with *e-ne-ka e-mi-to*.¹⁰ Subsequent editions of the Knossos tablets have re-catalogued the tablet as KN Am(2) 821 and, crucially, preserved Sourvinou’s now-definitive reading. The interpretation of *o-u-ki-te-mi*, *o-u-te-mi* as *οὐχὶ θέμις / οὐ θέμις* on KN V 280 was soon questioned as well. While Ventris and Chadwick had initially adopted Meriggi’s hypothesis that the tablet contained a calendar,¹¹ the second edition of *Documents in Mycenaean Greek* in 1973 reveals a sharp change of conviction:

The attempt to explain this text as a calendar does not lead to any satisfactory solution... The only other word which is clear is *to-pe-za* (l.5), which on the Pylos furniture tablets (239-241)=*torpedza*=*τράπεζα* ‘table’. Though this could conceivably be the name of a festival... it is known to us as the name of a piece of furniture. *o-u-ki-te-mi* was interpreted as *οὐχὶ θέμις*; but *te-mi* recurs in *te-mi-dwe*=*termidwen* (cf. *τερμιόεις*) ‘furnished with a *τέρμις*’, the sense of the noun (‘border’, ‘edge’?) being obscure.¹²

While the reading *οὐχὶ θέμις / οὐ θέμις* is appealing, tables have little to do with religious calendars. Furthermore, Chadwick’s reference to *τέρμις* provides another possibility: the term is also rendered by the Linear B syllabary as *te-mi*, and is used quite elsewhere in the context of chariot wheels.¹³ In light of the connection to both tables and chariot wheels, Thomas Palaima has most recently argued for the interpretation of *te-mi* as a ‘support element’.¹⁴ We have not

¹⁰ Sourvinou (1968: 184) begins as follows: “Après un examen attentive de la tablette As 821 je suis arrivée à la conclusion qu’à la première ligne il faut sans aucun doute lire e-mi-to et pas ti-mi-to.”

¹¹ Ventris-Chadwick (1959: 207, p. 311): “Meriggi (1954b, p. 24) plausibly regards this tablet as a record of the *ἡμέραι ἀποφράδες* or *dies nefasti* of the first or second half of a Knossos month. As in the case of 172=Kn02, a calendar will most reasonably explain the deliberate leaving of blank entries. The expression *οὐχὶ θέμις*, *οὐ θέμις* has an exact classical counterpart, but the objects or actions to which it applies are obscure: are they names of festivals or ceremonies, which can only take place in circumstances ascertained to be favourable? And did they in fact take place on the day corresponding to the next blank entry?”

¹² Chadwick (1973: 475-6, ad 207 [p.311†]). In the text’s glossary, Chadwick notes “formerly taken as *themis*, but explanation of this tablet as a calendar unlikely” (1973: 584 s. *te-mi*¹).

¹³ Various in the Kn So tablets: 894.3; 1053[b]; 4429.b; 4431; 4433[[.a]]; 4434; 4439; 4445; 4448; 4449.

¹⁴ Palaima (2000: 13).

a calendar utilizing the religious prohibition οὐχὶ θέμις / οὐ θέμις on the tablet, then, but more probably an inventory of tables missing one or more of their legs.¹⁵

With the readings and interpretation of the Knossos tablets rendered unlikely, the sole remaining locus for *themis* in Linear B lies in the Pylos tablets' toponym **ti-mi-to-a-ko*. While the toponym has been reliably identified with the archaeological site of Nichoria,¹⁶ the meaning and etymology of the toponym have long been debated. Ruipérez first posited that *themis* was the first element of the toponym, but boldly interpreted it as having the meaning 'frontier' or 'border.'¹⁷ The second element was assumed to derive from ἄγκος 'mountain glen'. Subsequent reconstructions preferred a derivation from ἄγος, producing *Themistos ageei* ('in the sacred land of *Themis*),¹⁸ which not only posited *themis* in Mycenaean Greek, but the personified goddess and cult activity as well! Despite the disagreement as to whether the second element refers to sacred land or to the neighboring geography, there was general unanimity that the toponym was a compound of which the first element was *themis*.

In his recent article, however, Thomas Palaima has reevaluated the evidence and called into question the possibility that the compound's first element is *themis*. He begins with the alternation of *i/e* manifested in the forms *ti-mi-ti-ja* and *te-mi-ti-ja*. The alternation is a recognized feature of the Linear B dialect (its so-called *special* and *normal* forms),¹⁹ but for Palaima's purposes the fact that *themis* appears to be a native Greek word (derived from τίθημι) creates problems. For the words in which this *i/e* alternation in spelling occurs are, he

¹⁵ Palaima (2000: 13) also argues that the other word visible on the tablet, *a-pe-ti-ra₂*, is 'a table at which one may eat from both sides.'

¹⁶ Shelmerdine (1981), taking up Chadwick's suggestion (1976: 47-8).

¹⁷ Ruipérez (1957: 183, n. 3). Cf. the skepticism of Chantraine (1968: s.v.).

¹⁸ Palmer (1954: 49), equating *agos* with *temenos*.

¹⁹ Collinge (1957); Hester (1958); Risch (1966); Milani (1967: 225-30).

argues, “of no convincing Greek etymology”,²⁰ and in fact, the alternation appears to occur especially in words of foreign origin borrowed by Greek.²¹ What is more, the *i*-treatment of *ti-mi-to* is far more common than *e*-treatment, a fact which suggests that it was the standard spelling.²² If the *i*-treatment is normative, the interpretation favoring *themis* is difficult to maintain, given its demonstrable (if only partial) Greek etymology from *τίθημι*. Left with the alternative of a non-Greek borrowing that could potentially be rendered in Linear B by the sequence *ti-mi-to*, Palaima turns to the loan word *τέρμινθος*, which also has the forms *τρέμινθος* and *τερέβινθος*. As the compound’s second element, he retains Ruipérez’ *ἄγκος* (‘glen’), creating a toponym which loosely means ‘the glen of the terebinths’ for the sequence *ti-mi-to-a-ke-e*.²³

There is good reason to agree with Palaima’s restoration. Not only does terebinth supply the non-Greek loan word invited by the *i/e* alternation, but there is also strong evidence that not only was the tree thriving in Messenia during the LH III period, but that it was being cultivated and possibly exploited for the production of perfumed oils.²⁴ The variant toponyms *ti-mi-ti-ja* and *te-mi-ti-ja* are consistent with such an interpretation: for Palaima, they become adjectival forms of the toponym meaning not *Themistia* but *Terminthia* (or *Terebinthia*). In the end, despite a great number of seeming attestations of the word, one cannot maintain that *themis* or its related terms were current in Mycenaean Greek. For the indications have either been wholly struck from the epigraphic record, or reinterpreted in light of more plausible

²⁰ Palaima (2000: 12).

²¹ Thompson (1996-7: 315).

²² Palaima (2000: 14).

²³ Palaima (2000: 14ff.)

²⁴ Chadwick (1976: 120) suggests that *ki-ta-no* be identified with terebinth, and Palaima (2000: 17) notes that it occurs “with the ideogram for spice/aromatic AROM in significant quantities on KN Ga 1530, Ga 1532 and X 1385,” that the terrain in the vicinity of Nichoria is suitable for cultivation, and most importantly, that pollen samples from the LH III period in Messenia point to “significant growth” of the tree.

contexts. An inventory is more likely to document the number of tables lacking legs than a religious calendar is to forbid tables in some capacity. Similarly, if the alternation of *i/e* in Linear B suggests the borrowing of a non-Greek word, terebinth provides a better candidate than *themis* and its Greek etymology.

c. Singular, abstract *themis*

i. Introduction

Most troubling about the lack of evidence for *themis* in the Mycenaean period is the fact that *themis* has not only appeared on the scene by the time of Homeric epic, but has a startling variety of uses betraying a fairly evolved semantic range: one encounters personified *Themis*, verbal *themisteuein*, and *themis* as an object—one can now speak of a particular *themis* or multiple *themistes*.²⁵ In Greek epic, we find confirmed the Indo-European affiliation to order underlying *themis*, but also discover that the range of *themis* and its related terms is deceptively broad. *Themis* in epic does not simply denote order at the level of social interaction (for example), but now extends even to the level of cosmic or natural order.

The wide variety of uses and the expansive semantic range of *themis* in Greek epic suggest the importance of *themis* and its related terms in the archaic period, and, before making a beginning to a literary study, one must assume the epic audience's basic familiarity with the term and its semantic field. This assumption is reinforced by the fact that the appearances of abstract *themis* in Homeric poetry are the product of the vocabulary and formulaic expressions of the poet's oral tradition: abstract *themis* as it appears in Homer appears in no way to be a poetic innovation. And while one must grant the poet the freedom to modify elements of his traditional framework, it does not appear that the novel uses of

²⁵ Ehrenberg (1921: 3) also notes the relative complexity of the term in Homer. Over the course of this study, I will specify the aspect of *themis* in question by referring to abstract, personified, objective, and verbal *themis*, respectively.

objective *themistes* and the verbal *themisteuein* reflect poetic innovation. These terms appear in situations and descriptions of social interaction—both domestic and public—which suggest that *themis* has real significance in the archaic present both for the poet and the public at whom his poetry is aimed.²⁶ These poets are working within established semantic boundaries in treating *themis* as a verbal idea or a concrete object.

While previously one could only hypothesize on the basis of the Indo-European root **dhê-* that *themis* indicates ‘to put, in a creative way, establish in existence’, in epic we see this hypothesis confirmed. Epic *themis* is bound up not only with the created order of things, but also with the organization of that order. Furthermore, epic evidence also demonstrates that this idea of order can take a variety of forms—religious, natural, social, political, and domestic—often several at the same time. More importantly, the boundaries between these categories are far from fixed: the problem in discussing *themis* will not be which label or usage is primary or which distinctions can be drawn, but how the various uses can be considered members of the same general semantic family of order functioning within the same general framework. Again, it is worth stressing that the most basic meaning of *themis* is ‘norm’, ‘right’ or ‘order’; in the Homeric and Hesiodic epics *themis* and its relatives appear as formative in the organization of archaic Greek society, religion, and cosmology, and describe—with real significance—the spectrum of standards assumed in this period.

When used in the singular, *themis* generally functions as an abstract idea denoting a norm of some kind. As such, when individuals claim that something is or is not *themis*, they appeal to an abstract idea of order to which the action or situation in question adheres or from which it departs. On the surface, the simplicity of this manner of categorizing an action’s

²⁶ Hölkeskamp (2002: 303). For the antiquity of the idea of *themis* as what is “right, proper, and common practice” see Solmsen (1949: 35, with nn. 108-9).

propriety is appealing: the idea that there is one catch-all criterion for evaluating the appropriateness of an action or situation implies that there are clearly distinguished boundaries between right and wrong—that there are clear norms. As soon as one peers deeper into the details, however, the apparent simplicity and clarity of *themis* masks deeper uncertainties: not only is the nature of the abstract order invoked by the term only ever dimly visible, but so too are there a wide variety of claims about what is or is not *themis*, and a wide variety of norms. While one is on sure footing in arguing that *themis* denotes order, the specific kind of order at stake is variable. Abstract *themis* describes everything from sexual relations to cosmic order, from political or religious decorum to the limits of human fate. The semantic breadth of the term resists categorization, despite the loose coherence provided by the idea of order: somehow, Greek poetry is equally comfortable referring to a *basileus*' personal prerogative, an individual's prayer, and gift-giving all as *themis*—that is, as being sufficiently normal to adhere to the abstract idea of what is ordinarily invoked by *themis*. It is not the case that *themis* applies exclusively in political, religious, or social contexts, but that the use of *themis* need not distinguish between these categories.

The mechanism by which individuals make claims to *themis* further underscores the breadth of the term and its resistance to the idea that it has an essential quality. Claims about *themis* in Homer are almost always part of character-speech (as opposed to the narrative),²⁷ and more often than not occur in potentially antagonistic situations. When a character apologizes by asserting that something is or is not *themis*, there appears both the recognition and forestalling of an interlocutor's objection. With reference to *themis* Agamemnon justifies

²⁷ Griffin (1986: 37) explains the peculiarities of character-speech by positing that they are appropriate to characters but not “to the recounting of events by the singer himself, as the mouthpiece of the goddess.” As he puts it, “words like *θέμις* which express a direct moral judgment are avoided in the narrative style.” (1986: 48). For the statistics he cites, see the Introduction (p. 14, n. 14, *supra*).

the *Diapira* (2.73), Diomedes defends his objection to Agamemnon's plan (9.33), Achilles refuses to bathe (23.44), and Aiolos refuses to help Odysseus (*Od.* 10.73). Claims about *themis* regularly anticipate and defuse an unreceptive situation: they are, as Adkins termed them, "persuasive definitions."²⁸ But as persuasive definitions, they are quite powerful: although the fact that one can make appeals to the abstract idea suggests that the norms at stake are either not immediately apparent or are subject to debate, no claim about *themis* is ever contested. To make a claim about *themis* is to make a rhetorical maneuver that recognizes potential opposition, and what makes this rhetorical maneuver unique is that it is always successful in averting that opposition.

Even when not used before a potentially unreceptive audience, claims about *themis* carry a general tone of approval or disapproval: Nestor agrees to Telemachos' request for news concerning his father on the grounds of *themis* (*Od.* 3.187), as elsewhere the treatment of *xenoi* (*Il.* 11.779; *Od.* 14.56, 24.286), and various kinds of familial relations (*Od.* 11.451, 14.130) are all sanctioned or forbidden on the grounds of *themis*. A variety of situations are subject to claims about *themis* because *themis* itself describes a wide variety of norms: while it is possible to assert a single normative context or normative force for abstract *themis*, doing so only invites exceptions to the norms. As we will see, the Greeks did not specify or distinguish the particular aspects of *themis* or contexts in which it could be used, and as such, pinning down the term beyond its general connotations of 'order' is nearly impossible.

ii. Formulaic themis: ἡ θέμις (ἐστίν)

Of all the uses of *themis* and related terms in epic poetry, none is as seemingly transparent and yet as difficult to pin down as the formulaic phrase ἡ θέμις (ἐστίν). The phrase

²⁸ See Adkins (1960: 38-40).

is used apologetically as a persuasive definition, and in more amenable contexts to denote general approval. The problem is that the contexts for apology or approval are potentially limitless.²⁹ Geoffrey Kirk argues that the phrase can serve, “vague as it is, to justify a kind of behavior which a character—or the poet himself—does not wish to spend time elaborating.”³⁰ Indeed, elaboration is rarely needed or provided: no positive claim about *themis* using the formula is ever challenged, even though it is regularly used when an individual anticipates an objection to something he is about to propose. The principle of *themis* must be invoked in order for permission or approval to be granted, but its rhetorical force is such that no rebuttal can be made.³¹ What is *themis* is not always obvious, and by making mention of the term, a speaker attempts to justify his intentions or actions. The trick, as Jean Rudhardt points out, is that the formula denotes a norm of almost any kind, reflecting not a substance or an institution but simply recommending or permitting.³² But while the formula is extremely flexible, provides permission, and is rhetorically effective, invoking *themis* does not make one right: as we will see in the case of the Diapira in *Iliad* 2, although Agamemnon justifies the test by making reference to *themis*, the consequences of the test frustrate the expectation of good order he raises by invoking the term. In the end, the term’s range is complex: *themis* can mean almost anything, apply in almost any context, and can be analyzed only by reference to the expectation of order which it raises (and may or may not achieve).

Before turning to the Diapira, it is important to establish the flexibility of the phrase, and especially how *themis* can invoke a variety of norms (often simultaneously). When applied

²⁹ Janik (2003: 62) argues that the formula could cover “an unexpected or odd sequence of words or ideas”.

³⁰ Kirk (1985: ad 2.73-5).

³¹ Vos (1956: 17) notes that *themis* “für den heroischen Menschen außer Debatte steht.”

³² Rudhardt (1999: 22-3) takes up this idea from the arguments of Hirzel (1907: 22) and Glotz (1988: 53), though these scholars argue from the perspective that *themistes* are ‘divine inspirations’ and reflect divine law. So too Stafford (2000: 45) writes that the formula indicates “the law which naturally rules a determined social group.”

to sexual relations (e.g. ἡ θέμις ἀνθρώπων πέλει, ἀνδρῶν ἠδὲ γυναικῶν, *Il.* 9.134=9.297), one can distinguish two aspects of the assertion: *themis* denotes not only a human social convention ‘as men and women customarily do’ but also a biological reality (or necessity) that has universal (or even cosmic) significance: ‘as a man and woman naturally do.’ The distinction is not native to Homer: in using the formula to describe sex, Homer presents social convention and biological drive as simultaneous realities.³³ The conflation of norms is made clear in Book 24: there, Thetis urges Achilles to make love. On the one hand, her concern is primarily for his basic well-being; in consoling him, she juxtaposes a need for sex with that of food.³⁴ Achilles, however, does not follow her suggestion until later in the Book, when he has finally made amends with Priam and ceased entirely from his anger (24.676). While his mother’s concern for his biological and physical well-being still rings in the background, the significance of his interaction with Priam is more emphatically social: their encounter marks the completion of Achilles’ return to human society begun in the previous Book’s funeral games. When he goes to bed with Briseïs (who is also the subject of the discussion of sex in Book 9), sex marks his reintegration into normal human behavior—whether interpreted in terms of social or biological norms. For moderns, sex is *themis* in different ways, but in Homer, they are part and parcel of the same orderly behavior.

³³ In this way I am shrink from Vos’ formulation that *themis* reflects norms only after certain social rules had been fixed (1956: 28), and Ehrenberg’s insistence that such relations accord with the divine will (1921: 11). One could even posit other norms at stake: that it is *themis* for Agamemnon to sleep with Briseïs because she is his slave (or because he is a *basileus*), or that there were some unknown religious observation fulfilled by sexual congress. *Themis* potentially describes each and all of these aspects of the situation.

³⁴ *Il.* 24.130-1. Her concern for his well-being emerges in the previous lines’ pairing of food and sex: τέκνον ἐμόν, τέο μέχρῃς ὀδυρόμενος καὶ ἀχεύων / σὴν ἔδαι κραδίην, μεμνημένος οὔτε τι πίτου / οὔτ’ εὐνής; (‘my child, how long will you go on eating your heart in grief and pain, thinking neither of food nor of going to bed?’ 24.128-30). For more on Achilles and sex, see Griffin (1977: 43ff.).

Other uses of the positive expression ἡ θέμις (ἐστίν) regularly have a variety of possible interpretations within the general semantic context of permitting or recommending. In *Odyssey* Book 3, Telemachos arrives in Pylos to seek news of his father from Nestor, who agrees to tell him by making reference to *themis*:

ὥς ἦλθον, φίλε τέκνον, ἀπευθής, οὐδέ τι οἶδα
 κείνων, οἳ τ' ἐάωθεν Ἀχαιῶν οἳ τ' ἀπόλοντο.
 ὅσσα δ' ἐνὶ μεγάροισι καθήμενος ἡμετέροισι
 πεύθομαι, ἡ θέμις ἐστὶ, δαήσασθαι, οὐδέ σε κεύσω. (3.184-7)

So I arrived [in Pylos], dear boy, in ignorance, and I know nothing of those ones—which of the Achaeans were saved and which ones perished. But whatever I have learned sitting here in my halls you will learn—as is *themis*—and I will not conceal it from you.

It is not immediately clear what *themis* means in this context, even at the most basic level of syntax: the formula appears in the same line as three separate verbs, all of which potentially govern it. Is the relative clause ἡ θέμις ἐστὶ governed by the verb πεύθομαι or does it anticipate the verb δαήσασθαι proleptically? If one allows for prolepsis, then it is also possible that the final element in the sentence, οὐδέ σε κεύσω, governs *themis*. The syntactic imprecision is compounded by the unusual placement of the formula; this is the only Homeric instance in which ἡ θέμις (ἐστὶ) occupies a position other than initial or final in the hexameter line. The possible implications are numerous: elsewhere it is *themis* for an individual to be visited for the purposes of counsel (*Il.* 24.652), so Nestor could plausibly be indicating that the acquisition of information for a man in his position is normal. At the same time, however, Telemachos has been received at Pylos as a *xenos* (Nestor calls him φίλε τέκνον), and so *themis* plausibly denotes the host's execution of his guest's request for knowledge—Telemachos will learn (δαήσασθαι). The context of *xenia*, moreover, also means that it would not be *themis* for Nestor to deceive his guest (οὐδέ σε κεύσω), which would be an offense both

against conventional social norms and religion. There is no indication of which meaning is most appropriate, nor does the semantic imprecision seem to matter; Nestor has no need to elaborate, and Telemachos is happy to have his request granted. The phrase has served its semantic and communicative function of permitting whatever will follow. That *themis* here denotes permission or recommendation is clear, but no one implication takes precedence since multiple meanings are possible and appropriate for the situation at hand.

The expression reappears later in the *Odyssey* when Odysseus encounters his son for the first time in Eumaios' hut, and its usage there is similarly vague. Eumaios and Telemachos are discussing the stranger, who has appealed for hospitality.³⁵ Telemachos hesitates to take him home on account of the suitors, instead promising to help Eumaios host him properly by providing clothing, a sword, sandals, safe passage to the destination of his choosing, and food to sustain him (16.78-86). While Eumaios will remain the stranger's *de facto* host, Telemachos will nonetheless execute the responsibilities of *xenia* as requested and ensure the care of the guest. In his dialogue with Eumaios, Telemachos makes it clear that were it not for the suitors he would see to the matter personally, and apologizes by explaining that he believes they will abuse the guest and thereby cause him great pain as host (16.86-89). The stranger then interjects:

ὦ φίλ', ἐπεὶ θῆν μοι καὶ ἀμείψασθαι θέμις ἐστίν,
 ἦ μάλα μεν καταδάπτειτ' ἀκούοντος φίλου ἦτορ,
 οἶά φατε μνηστῆρας ἀτάσθαλα μηχανάσθαι
 ἐν μεγάροισ', ἀέκητι κέθεν τοιούτου ἔοντος. (16.91-4)

My friend—since surely it is *themis* for me to respond—truly my heart is very troubled when I hear what reckless things you both say these suitors are working in your halls, against the will of a man such as yourself.

³⁵ Eumaios makes it clear that the stranger expects help from Telemachos: *ικέτης δέ τοι εὔχεται εἶναι* ('he claims to be a suppliant of yours' 16.67).

It is not immediately clear why it is *themis* for the stranger to jump in at this point; the statement implies that previously it either had not been or had been less *themis* for him to do so. A first possibility derives from the formalized context of *xenia*: after Telemachos grants the request for shelter made by Eumaios, the stranger addresses Telemachos as friend (ὦ φίλ'), and seeks to learn more about the situation in Ithaca. As Odysseus, he is fishing for information, but he is simultaneously playing the role of the befriended stranger. *Themis*, in terms of his guise, may mark the forging of the host-guest bond: only at this point, when his host has promised to fulfill his responsibilities by providing food, shelter and passage home, is it appropriate for the guest to join the conversation. That is, the stranger's silence prior to being granted provisions by Telemachos is potentially parallel to the restriction prohibiting hosts from asking their guests' names prior to receiving them with food and drink.³⁶ Continuing in the vein of *xenia*, one can also interpret *themis* as a reflection of the stranger's emotional response to the outrage his host suffers; it may very well be *themis* for the stranger to jump in at this point since, now that he is a *philos*, he is grieved by the situation and desires both to learn more and (potentially) to reciprocate his host's generosity—the so-called 'help friends/harm enemies' ethic.³⁷ For the stranger hints (whether genuinely or not) that he would help Telemachos seek vengeance if asked (16.99-111). Both possibilities are plausible.

But while the context of *xenia* allows deeper meanings to be probed, it by no means makes one of them more likely: the scene can also be interpreted as an exercise in politeness.

³⁶ The process of reception is described by Nestor (*Od.* 3.69-70), Menelaus (*Od.* 4.60-2), and even Eumaios (14.45-7). Cf. the Cyclops' bombastic demand upon discovering the Achaean strangers (9.252-5). The silence of a guest prior to reception occurs elsewhere: *Od.* 1.123ff.; 3.34ff.; 4.60ff.; 14.37ff.; 17.336ff; *Il.* 1.326ff.; 9.192ff.. Only twice does a guest initiate contact with his host, but these are the cases of Odysseus with Arete (7.142-52) and Priam with Achilles (*Il.* 24.477ff.). Both take place on the instructions of another—of Nausicaa (6.303-312) and Zeus via Iris (24.171-87)—and both are more properly scenes of supplication than of guest-reception.

³⁷ This ethic is treated in detail by Blundell (1989).

For it may also be the case that Telemachos had simply finished his statement and the exchange with Eumaios, making it appropriate and polite—*themis*—for the hitherto-silent interlocutor to offer a response.³⁸ Even more likely is the possibility that the stranger’s claim that it is now *themis* for him to respond is a form of veiled rebuke: although they have already dined and it is appropriate for Telemachos to address the stranger, he has directed his questions at Eumaios instead. The effect is belittling: the stranger must endure to sit silently and be talked about as though he were a child. By indicating that it is now surely *themis* for him to respond (ἐπεὶ θήν μοι καὶ ἀμείψασθαι θέμις), he expresses his discontent at being ignored. This indignation is further revealed by a less thinly-veiled rebuke to Telemachos in the subsequent lines:³⁹ on the topic of the suitors oppressing his home, the stranger goes so far as to question the young man’s masculinity—ἦέ ἐκὼν ὑποδάμνασαι; (16.95). In short, there are a number of possible readings of Odysseus’ statement, some of which are actually inconsistent with one another. The potential uncertainty of his implications, however, is immaterial: no one will deny the claim that it is *themis* for him to respond at this point, and the conversation carries on.

The Diapira of *Iliad* 2 offers a final example of the complexity of the formulaic expression ἦ θέμις (ἐστίν). Unlike the previous examples, in the Diapira the formula appears as a purely rhetorical flourish aimed at grounding both Agamemnon’s authority and (specifically) the ruse he is about to spring on his army. The great irony of the scene, which has long presented interpretive problems,⁴⁰ lies in the gap between the expectations raised by

³⁸ See Olson (1995: 81, n. 39), who considers the propriety of a guest’s silence.

³⁹ Olson (1995: 143) also notes that this “is an extremely provocative speech”.

⁴⁰ See, for example Aristotle fr. 142. Porphyry’s *Homeric Questions* dwells on the episode at length, arguing that it was probable for Agamemnon to expect poor morale given the events of Book 1, and that a test was the appropriate way for him to avoid simply ordering unwilling men into battle and subsequently being forced to punish them (fr. B iv [MacPhail]=fr. 20^b, pp. 24-5 [Schrader]).

its rhetorical bases and their near-chaotic results. For because it reflects his personal authority, Agamemnon's appeal to *themis* suggests not only the propriety of his plan but also prefigures its orderly execution and success. But no one is prepared to object to Agamemnon's claim, and the results make a mockery of his authority: the Diapēira is neither orderly nor successful, and as I will show, actually undermines Agamemnon's claim to leadership. The Diapēira presents Agamemnon as a mortal version of Zeus, but as so often happens in the comparison of mortal and immortal figures, the mortal fails to live up to divine figure's example. Zeus' plan is ultimately fulfilled, but Agamemnon's bungling nearly results in disaster.

Following the deceptive dream he receives at the start of Book 2, Agamemnon launches a plan to test his troops. As he assembles his senior advisors, he relates the dream's promise of success, and then makes a strange proposition:

ἀλλ' ἄγετ', αἴ κέν πως θωρήξομεν υἱας Ἀχαιῶν.
 πρῶτα δ' ἐγὼν ἔπεσιν πειρήσομαι, ἣ θέμις ἐστίν,
 καὶ φεύγειν σὺν νηυσὶ πολυκλήϊσι κελεύσω·
 ὑμεῖς δ' ἄλλοθεν ἄλλος ἐρητύειν ἐπέεσσιν. (2.72-5)

So come now, if we might marshal the sons of the Achaeans for battle. But first I will make a test of them with words—as is *themis*, and I will bid them to take flight in the many-benched ships. Here and there, however, you all restrain them with words.

Although he has been told to expect success, Agamemnon proposes a test of the troops. In the midst of this strange proposal he inserts the formula ἣ θέμις ἐστίν, as though to support his intentions. The phrase appears to be a rhetorical flourish anticipating and circumventing opposition to the plan. Nothing in the Greek distinguishes whether *themis* here indicates that the test itself is permitted or that it is Agamemnon's authority which entitles him to undertake it, and scholars have come down on both sides of the problem.⁴¹ Agamemnon's claim to *themis* is so general and imprecise that no opposition to it (or the plan it bolsters) can

⁴¹ Vos (1956: 2-3) interprets in terms of the latter, Kirk the former (1985: ad 2.73-5).

be made: the implication of the formula is simply that it is permitted for Agamemnon to test his troops—or at least, that is how the statement’s audiences are asked to treat it.⁴²

The real problem is not whether (or how) it is *themis* for Agamemnon to test his men, but rather why the test is such a miserable failure given that its proposal is framed in terms of *themis*. For by invoking *themis* in introducing the plan, Agamemnon also invokes all the expectations of order implicit in *themis*. Even though his use of the term is a rhetorical flourish that stresses his authority, it inescapably comes with baggage. These expectations are uniformly disappointed: with the exception of Odysseus, who must himself be urged by Athena (2.173-81),⁴³ the Achaean leaders do not restrain the army with words as Agamemnon had ordered, and the men rush for the ships. Agamemnon’s authority—bolstered initially by his appeal to *themis*—dwindles as the plan unravels; the army takes the suggestion of flight at face value, and later, Thersites abuses the general and suggests that everyone should go home save Agamemnon (2.235-8). In response to both events Odysseus reinforces decorum, not by any orderly means, but only by wielding Agamemnon’s scepter with violence.⁴⁴ Agamemnon’s prior appeal to *themis* rings false:⁴⁵ not only does he suffer abuse at the hands of a common soldier, but the restoration of order following this abuse also requires the use of violence in the guise of organization. How all of this can be introduced as *themis* is not clear.

That Agamemnon’s invocation of *themis* results in abuse and violence creates a parallel to the scene in *Iliad* 15, when Hera urges *Themis* to preside over the feast and then proceeds to stir up discord.⁴⁶ One must get past the attempt to naturalize the situation by

⁴² Scodel (1999: 49-50).

⁴³ Odysseus, in fact, is grieved by the army’s response (2.170-1).

⁴⁴ I will discuss the connection between the scepter and *themis* later (see pp. 92-107, *infra*).

⁴⁵ Pace Easterling (1989: 110), who argues that the use of the scepter as a weapon “does not appear to be a contravention of *themis*, orderly procedure.”

⁴⁶ I will also discuss this scene later (see pp. 57-63, *infra*).

positing that *themis* simply denotes Agamemnon's right to test his troops, and doing so requires a wider interpretive lens. Agamemnon's test is part of a larger process of thematization: elsewhere in the *Iliad*, the theme of a leader's test (and especially the deceptive test) recurs, which helps to set Agamemnon's test and the invocation of *themis* into relief. Book 2 itself provides the first structural and thematic parallel: that Agamemnon tests his troops by deceiving them—proposing flight when he in fact expects victory—corresponds to the false dream he receives from Zeus at the start of the book (2.28ff.), where Dream promises success and urges the marshalling of the troops. Zeus commands (κέλευσε, 2.28) Agamemnon to arm his men for battle, but the *basileus*' response is to command them (κελεύω, 2.74) to flee to the ships. Like Agamemnon's test, Zeus' dream is disingenuous and has ulterior motives: urging Agamemnon to battle serves Zeus' larger purpose of bringing about a period of Trojan ascendancy. That Trojan ascendancy, in turn, is essential to the plan for avenging Achilles' damaged *timê*, as was promised in Book 1 (1.523-30).⁴⁷ Agamemnon, within this process of thematization, is set up as the mortal version of Zeus.

The connection between Agamemnon and Zeus appears at first to be fairly straightforward; both Agamemnon's authority as ruler and his test are reflections of that of Zeus'.⁴⁸ But where the immortal's action takes shape within the context of a plan and larger necessity,⁴⁹ the mortal's falls disappointingly flat in contrast. Agamemnon's actions are both troubling and confusing: his intention in testing the troops is apparently to harden their resolve, but his actions are not well-suited to achieving this goal. By asking his leaders to

⁴⁷ As Scodel notes (1982: 47), Zeus' plan is "in effect" Achilles' plan.

⁴⁸ Agamemnon's position, reflected in the scepter as a symbol of his authority, comes from Zeus. See *Il.* 2.100-8; 9.96-9. See Reinhardt (1961: 111ff.) on the gap between the two.

⁴⁹ Zeus' plan has a precise outline: Agamemnon will respond to the promise of victory by marshalling the army for battle, which will lead to Trojan victory and the restoration of Achilles' honor. Everything happens according to this plan.

restrain the troops (2.75), he tacitly acknowledges the reality that his proposal of flight will be popular, even though expects that his leaders will curtail its disruptive potential by opposing his proposition. Agamemnon anticipates low morale, but instead of counteracting or circumventing it, his plan is to stir it deliberately.⁵⁰ But this is only the tip of Agamemnon's deliberative failings. For in addition to his tacit recognition that the troops will welcome the suggestion of flight, the test itself is an extremely risky maneuver for the leader: it requires that he play the coward and lose face in front of his army. Even if it is only a momentary rhetorical strategy designed to be shot down by his leaders, Agamemnon nonetheless chooses to present himself publicly as weak-willed, which is all the more difficult given the public perception of his behavior following the events of Book 1.⁵¹ A pragmatic reader can only wonder about the potential upside of this rhetorical maneuver; the feigned defeatism not only further threatens the morale that Agamemnon already suspects is waning, but also Agamemnon's own authority and social standing—which are already in peril.⁵² The best-case scenario is that even if the army is stirred (as Agamemnon hopes), it will come at the cost of a personal loss of face. Given the contents of his dream, the candid revelation of which would almost surely inspire his troops, Agamemnon unnecessarily invites risk and assumes a face-threat in choosing to test them instead.

If the rhetorical structure of the test suggests that Agamemnon is curiously willing to disparage himself for the sake of motivating the troops, the execution of the test reveals a similar hands-off attitude. As Agamemnon envisions it, the test relies primarily upon a

⁵⁰ So McGlew (1989: 285) notes that the *Diapiera* seems designed “to force the Achaeans to commit a shameful act.” McGlew ignores the ramifications of a *basileus* inciting such behavior.

⁵¹ See Beck (2005: 204-20) for an account of the rashness of Agamemnon's anger.

⁵² The face-implications of this passage are discussed by Scodel (2008: 64-8). McGlew (1989: 284) argues that Agamemnon cannot afford to be honest, since his quarrel with Achilles has shaken their faith in him—as Thersites' outburst shortly shows. I am not so sure; though McGlew points to Nestor's comments (2.80-1) that only Agamemnon's status makes his account of Dream's visit credible, surely the news that the gods have granted Troy to fall would be useful for a rousing speech of encouragement.

superfluous machinery of objections and external motivation instead of his own activity. For rather than motivate the troops himself with a stirring speech (as one might expect the ideal Homeric warrior-orator to do⁵³) Agamemnon leaves the dirty motivational work to the other Achaean chieftains. He will play a defeatist role and accept whatever temporary disparagement accompanies it, and they, in turn, will strenuously object and (ideally) stir the men's spirits for battle. The attitude is surprising; Agamemnon is either unwilling or consciously incapable of motivating the army himself. All of this makes the machinery of the scene nearly unbelievable, especially when one remembers that he forms this plan under the expectation of victory! Given the confidence the Achaeans should have in victory, Agamemnon's unnecessarily complex process of deception, testing, and rousing that (at best) involves a degree of self-deprecation renders the entire episode unusual. The irony is rich: he grounds the plan and his authority to enact it by invoking *themis*, yet its execution actually subverts that authority. Why wouldn't he simply make a speech, or a series of speeches (as he does later⁵⁴), to inspire the troops? In the end, we suspect that Agamemnon has the trappings, but not the substance of leadership.⁵⁵

As its unnecessary and superfluous complexity would suggest, the test is a total failure: the army flees before they can be restrained, and ultimately, Agamemnon's status is publicly rebuked. Though initially introduced as *themis*, the test appears in the end to be far from it. Everything Agamemnon does undermines the claim to *themis*: unlike Zeus' carefully organized deception, which is *themis* inasmuch as it carries the weight of his plan's necessity,

⁵³ Martin's analysis (1989: 119ff.) of Agamemnon's lack of self-consciousness here corroborates my point. Agamemnon's rhetorical missteps in Book 1 no doubt underlie his hesitation and clumsy management of the situation in Book 2.

⁵⁴ Given the failure of the test in Book 2, that Agamemnon subsequently exhorts his troops himself (4.223ff.) is welcome. Even here, however, his individual speeches are not without their shortcomings: see Martin (1989: 69-72); Beck (2005: 221-9), Scodel (2008: 60-4).

⁵⁵ This theme will recur in my discussion of Agamemnon's scepter (see pp. 95-100, *infra*).

Agamemnon's test is structured not so much to achieve the goal of motivating the troops as it is to delegate responsibility and detach him from his divinely-mandated position as marshal. The contrast is telling: that Agamemnon willingly subverts his own social position by playing the coward also undermines the order and operation of the community at whose head he stands. Where Zeus' plan demonstrates the strength of the order he stands behind, Agamemnon's weakness becomes an image of the weakness of the collective whole, and the troops respond in turn by accepting the suggestion of flight at face value. That the leaders also neglect to restrain the troops, that chaos ensues, and that Thersites—the common soldier—stands up to abuse Agamemnon is thematically consistent: this is the bed of disorder that Agamemnon has made, and now he has to lie in it. The responsibility for the plan is fully his, and that the leaders respond to his hands-off attitude in kind is fully appropriate. The whole scene represents the breakdown of norms at the level of human society. *Themis* is invoked, but then summarily negated. So drastic is the breakdown of norms that Odysseus, as was noted, ultimately ends up restoring order by force, violently wielding the scepter to coerce its restoration.

The failure of *themis* in Book 2 does not go unnoticed, and later, the theme of *themis* and the test recurs. In Book 9, Agamemnon repeats the gist of the discouraging speech he made to the army in Book 2 (9.18-25=2.111-8⁵⁶), this time addressing the Achaean leaders exclusively, and this time genuinely proposing flight.⁵⁷ Without Achilles, the Greeks are failing and the Trojan army has camped on the plain: Agamemnon is legitimately concerned. The response in Book 9, however, differs entirely from that of Book 2: where previously the leaders failed in their tasks and only Thersites protested, here Diomedes immediately rails against

⁵⁶ The sole variance is the substitution of *πρίν* in (9.26) for *τότε* (2.112).

⁵⁷ My discussion of this aspect of the thematization is largely that of Scodel (1999: 50).

Agamemnon's proposal, demonstrating the steely resolve that was expected but found lacking in Book 2. He proposes that Agamemnon go home, or that the other Achaeans all leave while he will personally stay and fight with Sthenelus (9.43ff.). Diomedes' response is crucial in two senses: not only does it directly invert Thersites' abuse in Book 2, where he suggested that everyone *except* Agamemnon ought to leave, but it also recollects Agamemnon's claim that the test was *themis*. For Diomedes introduces his rebuke by specifying that it is *themis* for him to respond as he does.⁵⁸ As a correction to Agamemnon's flawed invocation of *themis* as the basis for his authority and plan in Book 2, Diomedes now utilizes the formula ἡ θέμις ἐστίν to ground the rebuke that was not made in Book 2. *Themis* has become thematized: the situation from Book 2 has been invoked, but this time Diomedes proffers the correct response.

The Diapēira presents the most complicated usage of the formula ἡ θέμις (ἐστίν) in the Homeric corpus, and its interpretation requires delicate attention to a variety of issues. At its heart, Agamemnon's claim that it is *themis* to test the troops is apologetic; it may very well be appropriate to test the troops or for him specifically to test the troops, but the plan for the test both in concept and in execution critically undermines any application of *themis* to the situation. Agamemnon's plan is anything but *themis*: not only does it depend upon the rhetorical posturing of defeatism, which undermines his social position and authority as leader of the army, but its execution substantiates this posturing inasmuch as it delegates the responsibility for motivating the army to his generals instead. That these events take place in a context in which victory is expected is shocking: when one public speech would seemingly do the trick, Agamemnon instead prefers to disparage himself publicly, stir up defeatist sentiment, and rely on the agency of others to maintain order, marshal the troops, and motivate them for battle. It may be the case that he cannot predict the behavior of his

⁵⁸ Martin (1989: 24); Scodel (1999: 50).

soldiers,⁵⁹ but his actions are troubling. Agamemnon is set up as an avatar of Zeus, but he fails to live up to his model. *Themis* is ultimately restored and maintained, but by the paradoxical means of violence.

As part of a larger thematization of *themis*, Agamemnon's test makes more sense. It is an echo of Zeus' deceptive dream, but while that dream demonstrates the god's capable management of a situation, Agamemnon's test displays in contrast the bungling of mortals. Later, we see how *themis* ought to have operated; in a scene that directly echoes Book 2, Diomedes forcefully objects to Agamemnon's defeatist attitude, rebukes him, and by inverting Thersites' proposal, demonstrates the correct response to the test. In the end, the idea of *themis* at work in the test appears, but only as part of a larger thematization: in the execution of Agamemnon's plan, one encounters the breakdown of *themis*.

In the end, there are a variety of claims about *themis* that can be made by means of the formula ἡ θέμις ἐστίν, though the norms invoked and intended result vary from case to case. For the Greeks, abstract *themis* can describe the order of things in almost any context—law, political authority and deliberation, social interaction, religion, biological urge, cosmic order, and human fate are all described at one point or another as *themis*. Some of these contexts have already been discussed, and some will be treated in the following sections; although *themis* might easily apply in all such contexts for the ancient Greek, the modern scholar's task is one of discrete analysis.

iii. More abstract themis: οὐ θέμις and ἀθέμιτος

As we have seen in the examples discussed in the preceding section, the idea of order invoked by *themis* most commonly involves interpersonal relationships at the human level.

⁵⁹ Griffin (1980: 9).

Agamemnon's Diapēira, Telemachos' inquiry, and the Odyssean stranger's interjection all involved individuals and their behavior towards others. Other examples reveal much the same trend, even when the formula ἡ θέμις (ἐστίν) is avoided: Achilles' refusal to bathe (23.44), Aiolos' refusal of further assistance (*Od.* 10.75), the treatment of *xenoi* (*Il.* 11.779; *Od.* 9.268, 14.56, 24.286), and familial relations (*Od.* 11.451, 14.130) all similarly utilize *themis* to make claims about social interaction of one sort or another. But even though *themis* occurs regularly in social contexts, not all uses are, from the scholar's perspective, equivalent. It is possible to distinguish further the different kinds of claims about *themis*: Agamemnon's Diapēira and Diomedes' later objection both involve appeals to political or legal norms; and in the following section, we will consider how Achilles' refusal to bathe is more properly a religious or ritual observation and how Aiolos' refusal reflects something beyond a religious claim,⁶⁰ in contrast to the treatment of *xenoi* and family behavior, which are more generally termed social.

In the following section, I attempt to show how limiting the use of categories is in describing *themis*—not only of specific ones such as 'legal' or 'religious', but also larger labels such as 'social'. The problem with the specific categories is that, more often than not, references to *themis* invoke multiple norms simultaneously, and the norms in question can overlap and vary significantly. So when the Cyclops is called *athemistos*, the label denotes his lack of attention to the religious observances and social institutions considered by Odysseus (in his guise as narrator-focalizer) to be normal. But the Cyclops is *athemistos* at every conceivable level of social interaction: semantically, *themis* and its related terms do not distinguish between what is right or wrong from a legal perspective, a religious perspective, or a socio-political perspective. He is simply a brute.⁶¹ What is more, in analyzing *themis* even the

⁶⁰ I will discuss this claim in greater detail shortly (pp. 50-6, *infra*).

⁶¹ So also Hölkeskamp (2002: 323-4).

categories ‘social’ or ‘religious’ are inadequate: *themis*’ semantic range is broad enough to invoke the idea of order at a far more universal level. For as Patroclus is struck in Book 16, the narrator remarks that it had previously been *ou themis* for Achilles’ helmet to lie in the dust, which carries no social, legal, or religious implications whatsoever but refers to the end of Achilles’ invincibility and the certainty of his doom. In archaic poetry the Greeks no more distinguished between religious *themis* and political or legal *themis* than they did between the order underpinning human society, human fate, and the cosmos as a whole. The term’s semantic range defies categorization: when one makes claims about *themis*, no matter how particular the context might appear to be there always loom other possibilities and the specter of cosmic significance.

That abstract *themis* generally occurs in a social context involving human interpersonal relationships is already clear. The interaction of a family’s members is described as *themis*, and in *Iliad* 9 Diomedes asserts that it is *themis* for him to disagree with Agamemnon in the context of the agora (9.33). In the latter example, the operation of the agora as a civic body is directly associated with the abstract idea of order: these characters makes claims about rules—codified or conventional—at work in the agora, and in this case, abstract *themis* is most straightforwardly a social or socio-political principle. Already, however, another possible context looms: even at the level of convention, the claim about the propriety of Diomedes’ disagreement is also a legal one. And of course, because his use of the formula ἡ θέμις ἐστίν is also a persuasive definition, it is also rhetorical. Categorizing Diomedes’ assertion is a difficult task, simply because purely social uses of abstract *themis* are hard to find.

Relying on categories to create a handy structural breakdown of *themis*’ range has other shortcomings. Take the example of the Cyclops, who (like the suitors) is called both

athemistos and ἀθεμίτια εἰδώς.⁶² He is said on the one hand to lack an agora and *themistes* (9.112) and both *dikai* and *themistes* (9.215), assertions which denote his isolated and apolitical existence. He simply lacks the institutions and regulations that operate within civilized societies.⁶³ At the same time, however, his lack of social institutions and regulations becomes, thanks to Odysseus' spin on the events, the inversion of social norms.⁶⁴ He not only appears *asocial*, but also *antisocial*, and the adjective *athemistos* need not distinguish between the different states. The description of the Cyclops as *athemistos* is a good example of how descriptive categories can break down in the face of actual usage. As Jean Rudhardt has noted, *athemistos* carries a twofold significance, describing not only an action but also the agent himself.⁶⁵ Consider Odysseus' request for a *xenêion*, which is introduced emphatically as *themis* (9.268), and which is granted by the Cyclops in the provision that Odysseus will be eaten last (9.370).⁶⁶ Odysseus' appeal to the norms he assumes falls on deaf ears and the response he receives is *athemistos* in two ways. It is not simply the case that the Cyclops is *athemistos* because he does not practice *xenia* or acknowledge other institutions described as *themis* (though that is partially the case), but because his actions also actively violate their strictures. The scene is a parody of *xenia*: he eats Odysseus' men instead of feeding them, demands the guest's name (and receives a false one in turn) and promises what can (at best) be described as an unwelcome *xenêion*.⁶⁷ The double sense of the adjective *athemistos* shows

⁶² For the Cyclops, see 9.106, 189, 428. For the suitors, see 17.363, 20.287: in the latter reference, Ktesippos is noteworthy (even among the suitors) for the extent of his immorality.

⁶³ I will discuss the problem that, despite not having *themistes*, he is nonetheless said to *θεμιστεύει* (9.114), later (pp. 117-20, *infra*).

⁶⁴ For Odysseus' spin, see Olson (1995: 48ff). de Jong further proves my point in arguing that Odysseus "gets to know the Cyclopes' lack of rules from the Cyclopes' rude reaction to his appeal to the *themis* of strangers" (2001: *ad* 9.106-566, p. 232).

⁶⁵ Rudhardt (1999: 37).

⁶⁶ There is parallel amongst the suitors: Ktesippos similarly inverts the custom of the *xenêion* when he throws an ox-hoof at the beggar Odysseus (20.296).

⁶⁷ Thalmann (1984: 55); de Jong (2001: *ad* 9.195-542).

through clearly: it has a privative meaning— denoting how the Cyclops ‘lacks *themis*’—and a seditious one—how his actions ‘violate *themis*’. That the term’s semantics equate individuals and their actions is significant; in the face of usage, the distinction breaks down. The adjective in Greek simply does not allow the specificity that a more rigorous categorization seeks: the Cyclops cannot behave as anything other than a savage since he lacks civilized institutions, and his savagery is complete. In the end, what is more important is not in what particular respect he departs from the idea of a norm invoked by *themis*, but the variety (indeed, the totality!) of ways in which he does so. *Athemistos* describes it all—both the Cyclops himself and his actions: because he is ignorant of the moral and social norms assumed by Odysseus, he can only behave like a savage.

The episode with the Cyclops is a fascinating example of how the semantic range of *themis* can refer not only to an agent or his actions, but also to a variety of norms simultaneously. In addition to the different objects to which *athemistos* simultaneously applies, the term also dissolves the distinction between different norms. For in addition to the conduct which is *athemistos* from a social perspective, the Cyclops’ behavior is also *athemistos* from a religious one. Parallel to his immorality and lack of social institutions runs a willful neglect of the religious practices that are, from the perspective of the Odyssean narrator, normal.⁶⁸ As he requests a *xenêion* from the monster, Odysseus invokes Zeus Xenios as his patron, expecting the Cyclops to demonstrate piety and a reverence for the gods (9.269-71) in observing the norms of *xenia*. The Cyclops’ response, however, mocks the folly of this request:

*νήπιός εἰς, ὦ ξεῖν', ἧ τηλόθεν εἰλήλουθας,
 ὅς με θεοὺς κέλειαι ἧ δειδίμεν ἧ ἀλέασθαι.
 οὐ γὰρ Κύκλωπες Διὸς αἰγιόχου ἀλέγουσιν
 οὐδὲ θεῶν μακάρων, ἐπεὶ ἧ πολὺ φέρτεροί εἰμεν·
 οὐδ' ἂν ἐγὼ Διὸς ἔχθος ἀλευάμενος πεφιδοίμην*

⁶⁸ See Olson (1995: 51ff.); Reece (1993: 123-43).

οὔτε σεῦ οὔθ' ἑτάρων. εἰ μὴ θυμός με κελεύει. (9.273-78)

You're a fool, stranger, or you have come from far away, if you bid me fear or avoid the gods. For the Cyclopes don't bother with aegis-bearing Zeus or any of the blessed gods, since we are, in fact, much mightier. I wouldn't spare you with an eye to avoiding the enmity of Zeus—neither you or one of your friends—unless my *thumos* bade me to do so.

Polyphemos is quite a creature, emphatically unconcerned with the Olympians (until, of course, he requires his father's help). But the depiction of his lackadaisical attitude towards the gods does not simply make him careless; from a narratological perspective, he also comes off as an irreligious brute. Because Odysseus serves as the focalizer for the episode, via his religious presuppositions Polyphemos' simple carelessness becomes a symptom of larger, more disturbing impiety.⁶⁹ Again we encounter the range of the Cyclops' conduct that is *athemistos*. The Cyclops presents himself as unconcerned with the Olympians, but in Odysseus' eyes this translates precisely into irreligious and impious actions. The difference between individual and his actions is immaterial: he can call Odysseus a *xenos* (9.273) even as he simultaneously rejects the religious grounds for *xenia*. Focalization, combined with the range of the term, has the effect of glossing over the problem entirely: from Odysseus' account, the Cyclops' actions violate *themis*, even though the extent to which the creature recognizes the norms and institutions described as *themis* is not entirely clear.⁷⁰ In fact, it is not entirely clear to what extent the Cyclopes are capable of 'religion' at all (since they are no ordinary mortals), yet such difficulties disappear under the purview of the label *athemistos*.⁷¹ As was said before, the

⁶⁹ Odysseus' focalization is also noteworthy inasmuch as his own violations of *xenia* are not prominent in the account. Segal's point (1994: 30ff., 202ff.) that Cyclopean society is the antithesis to Phaeacian is all the more interesting from a narratological perspective: given Odysseus' internal audience, the account is all the more striking. On other narratological problems with Odysseus' account, see Scodel (2005).

⁷⁰ This issue will recur in the episode involving Aiolos (pp. 50-6, *infra*). Religious observances elsewhere fall under the rubric of *themis* (*Op.* 136-7).

⁷¹ As de Jong notes (2001: *ad* 9.106-566, p. 233), Odysseus gives a moralistic slant to the entire adventure with the Cyclops. She does not, however, comment on the extent to which Odysseus' moralizing is bound up with his role as focalizer.

Cyclops is simply a brute: he conforms to none of Odysseus' presupposed social, legal, and religious norms.

Throughout the Cyclops episode one encounters the breadth of *themis*' semantic range: any attempt to specify that the Cyclops is (for example) asocial and not antisocial, impious or agnostic turns a blind eye to the variety of abnormalities summed up by the adjective *athemistos*. On account of Odysseus' dual role as narrator and focalizer, the absence of religious and social norms in Cyclopean society becomes transformed into a willful violation of those norms. The difference, however, is immaterial in the Greek: all of the Cyclopes' abnormalities (and the norms which they violate) are bound up with one another: *themis* and related terms such as *athemistos* invoke them all simultaneously.

Other instances of *themis* in the abstract singular indicate a similar conflation of different norms, but go further in breaking free of the limits imposed by the categories 'social' or 'religious'. As I have already pointed out, the prohibition *ou themis* in Homer carries predominately religious force,⁷² but the implications of the term 'religious' are broader in Greek: they go beyond the simple idea of mankind's relationship to the divine. In fact, the label does not quite fit: in some sense, these religious uses simply involve a relationship with a larger, divine order. A glimpse of this larger order appears when Achilles' ritual mourning prohibits him from bathing (*Il.* 23.44) and even dining,⁷³ and also when mortals refuse to fight

⁷² So also Ehrenberg: "Der Sinn des οὐ θέμις ἐστίν ist das Verbot." (1921: 5). Hesiod (*Op.* 135-7) stipulates that sacrifice to the gods is *themis* for mankind.

⁷³ Though not described in terms of *themis*, Achilles' protracted refusal to eat in Book 19 similarly appears to be a religious and moral observation. It is remarkable how the Book focuses on his refusal to dine: initially, Odysseus pleads for leave that the army may eat before battle (155-72), and again later, that Achilles and Agamemnon may be formally reconciled (179-80). The practical need for sustenance stands alongside the additional need for formal reconciliation. Achilles, however, would rather fight immediately, though he grants the others leave to dine before battle (205-14). Odysseus responds that a day is the normal period for burial and feasting (225-33) and urges the men to return promptly when the summons sounds (233-7). The extent to which he is critical of Achilles here is unclear: Patroclus is still unburied, so Achilles' fast is appropriate, though complicated by the need to return to battle. At the

with the deity Poseidon (*Il.* 14.386). The best instance, however, occurs when Aiolos states that it is not *themis* to help Odysseus, on the grounds that he is hateful to the gods (10.73). On the surface, the prohibition functions purely within a purely religious sphere. If Odysseus has been shown to be hateful to the gods, helping him is no longer the appropriate action for maintaining a good relationship with the divine. The situation, however, is more complex than at first appears: Odysseus had previously been received as a *philos* of Aiolos,⁷⁴ and the bonds of *philia* are both firm and governed by *themis*. One need only consider the example of Glaukos and Diomedes (6.215ff.), who recognize an inherited bond of *xenia* even in the midst of combat, to see that bonds of *xenia* and the force of *themis* underlying it can span generations and hold even in the midst of hostilities. Given their previous relationship of *philia* and the assistance proffered by Aiolos, then, the subsequent rejection of Odysseus following his unexpected return to the island stands out as unusual. Since it should in fact be *themis* for Aiolos to receive his friend, it is not immediately clear why the rejection invokes *themis*:

ἔρρ' ἐκ νήκου θάσσω, ἐλέγχιστε ζώντων
οὐ γάρ μοι θέμις ἐστὶ κομιζέμεν οὐδ' ἀποπέμπειν
ἄνδρα τόν, ὅς τε θεοῖσιν ἀπέχθηται μακάρεσσιν (10.72-4)

Get off the island quickly, you most hateful of mortals. For it is not *themis* for me to provide for a man who is hateful to the blessed gods nor to give him passage.

Although one could argue that Aiolos had already fulfilled Odysseus' request for *pompê* once (and is therefore under no further obligation to him), that is not how Aiolos justifies his rationale. Paradoxically, the same principle—*themis*—which ought to describe their bond of

meal itself, the others beg Achilles to eat (303-4), but he refuses (305-8), lamenting that while Patroclus used to make dinner, he now cannot eat (315-21). Ultimately, Zeus pities him and dispatches Athena to provide him with immortal sustenance (340-48).

⁷⁴ Odysseus states that *μῆνα δὲ πάντα φίλει με* (10.14), which is about as close to calling their relationship one of *xenia* as one can get. So Heubeck (1988: *ad* 14-8), who translates *φίλει* 'gave hospitality.' I will call their relationship one of *philia*, though I recognize the specific context of *xenia* at work.

friendship and lead to the fulfillment of Odysseus' request is now the grounds for refusing the request for *κομιζέμεν* and *ἀποπέμπεω* (10.73).

Because the Aiolos episode inverts *themis*' normal involvement in matters of *philia*, it opens the door to further implications of *themis* beyond the workings of interpersonal relationships. For while one could persist in using the categories of social and religious (and thereby claim that Aiolos' reappropriation of the term *themis* demonstrates that a religious awareness trumps the term's social obligations) the persistent use of these categories only causes further problems. For one thing, Aiolos is also a divinity—albeit a lesser one—and, as was the case with Polyphemos, it is questionable whether one god's respect for and deference to others qualifies as a 'religious' observance. And because the reader expects that every social and religious norm at work in *philia* urges Aiolos to help Odysseus, some greater norm or obligation must be at stake: the significance of *themis* goes beyond the realm of the social or religious. It is not even a question of *themis* invoking multiple norms simultaneously: when Aiolos rejects Odysseus, the categories previously used to describe *themis* simply break down.

A further example of the phrase *ou themis* is similarly troubling, but helps to pinpoint the larger norm underpinning the Aiolos episode. As Patroclus is slain in *Iliad* 16, the narrator states that previously it had not been *themis* for Achilles' helmet to roll in the dust (16.796-7). The usage is noteworthy for two reasons: it is one of only a few claims about *themis* in Homer that are not part of character-speech;⁷⁵ and more importantly, there is no possibility of religious or social implications here. The point is clearly that Achilles—the greatest warrior at Troy—was always victorious in battle, and that Patroclus is no Achilles. But despite the transparency of the statement's implications, it is not immediately clear how it is 'not right'

⁷⁵ The others are at *Il.* 14.386 (see pp. 52-3; 63-5, *infra*) and 16.387 (see pp. 108-9, *infra*). There are other instances where the narrator speaks of *themis* (see p. 14, n. 14), but in these cases he is not making a claim.

for the helmet to be sullied, and the interpretations of the passage are various: Thalmann argues that the reference to Achilles as *ἀνδρὸς θείοιο* (16.798) alludes to his divine parentage, meaning that only he can wear the armor—subsequently revealed to be of divine origin—with impunity.⁷⁶ On a similar note, Rudhardt and Whitman point out that when others put it on, their doom is sealed.⁷⁷ Others have picked up on the element of doom: Janik and Ehrenberg, for example, argue that the phrase *ou themis* reflects the divine will,⁷⁸ and Vos argues that *ou themis* (in general) denotes impossibility.⁷⁹ As one can see from the variety of interpretations of a phrase whose general meaning is transparent, something more complicated is almost certainly at stake.

Vos' argument concerning impossibility is the ideal starting point because it captures the novelty of the sully of Achilles' helmet while laying bare the interpretive problems with the passage. For the idea of impossibility also accords well with the narrator's previous comment that it is *ou themis* for mortals to engage with gods on the battlefield (14.386)⁸⁰: just as opposing a god is impossible, it is impossible that the helmet, when worn by Achilles, touch the dust. Vos' interpretation, however, is not entirely sustainable and needs to be tempered somewhat. The helmet rolling in the dust may be impossible, but it is impossible only in the sense that it is extremely abnormal—to the point of being unnatural or not 'right'. The parallel situation of a mortal fighting a god elucidates this point. After all, it is not the case

⁷⁶ Thalmann (1984: 46), Benveniste (1973: 383), so also Janko (1992: *ad* 794-5). It is worth noting that the divine origin of Achilles' armor has not been invoked at this point in the epic. Even in Patroclus' arming scene (16.130-44), no reference is made to its origin: the divinity of the arms is referenced only subsequently, in Hektor's arming scene (17.192-7), for the poetic purpose of indicating Hektor's lack of divine parentage (as a mark of his inferiority to Achilles), just as Patroclus' inability to wield Achilles' Pelian spear revealed his inferiority. So while Achilles' divinity is stressed at this point, the statement that it is *ou themis* for the helmet to be sullied does not invoke the divinity of the armor.

⁷⁷ So Rudhardt (1999: 21) points out that the helmet's lot is tied to its bearer. See also Whitman (1958: 201); Thalmann (1984: 46-7); and Griffin (1980: 42-4; 136-7).

⁷⁸ Janik (2003: 60-1); Ehrenberg (1921: 6).

⁷⁹ Vos (1956: 14).

⁸⁰ See pp. 63-5, *infra*, for a further discussion of this passage.

that it is categorically ‘impossible’ for mortals to fight gods in Homer,⁸¹ but that doing so is abnormal because it blurs the distinction between mortal and immortal. An example will help illustrate: after striking Aphrodite (5.335ff.), Diomedes continues and attacks Apollo three times, which earns him the following response.

φράζεο, Τυδείδη, καὶ χάζεο, μηδὲ θεοῖσιν
ἴσ' ἔθελε φρονέειν, ἐπεὶ οὐ ποτε φύλον ὁμοῖον
ἀθανάτων τε θεῶν χαμαὶ ἐρχομένων τ' ἀνθρώπων (5.440-2)

“Take thought, son of Tydeus, and yield: do not wish to make yourself alike to the gods in your mind, since never has the race of immortal gods been akin to that of earth-going humans.”

Apollo’s warning suggests that, in fighting a god, a mortal forgets his place within the natural order: subsequent to the golden age, gods and humans are ontologically distinct, and to neglect this distinction has consequences. It is as though Diomedes threatens the cosmic order by attacking the god. The severity of the offense is such that the consequences do not need to be mentioned explicitly: ‘you are not like me’, the god insinuates, ‘so back off before you some harm comes to you.’ Indeed, Diomedes is clearly in the wrong; while Athena had granted him license to attack Aphrodite,⁸² she was clear that he should strike no other deity (5.129-32), a fact which Diomedes himself later acknowledges (5.605-6; 818-24).⁸³ But with divine support, fighting gods is possible and even appropriate; in addition to Aphrodite, Athena later urges Diomedes to take on Ares (5.826-34), which he does with aplomb (5.855-9). It is occasionally appropriate (*themis*) for mortals to fight gods, but the conditions in which this is possible are limited. The prohibition *ou themis* does not denote impossibility, but indicates that taking on a deity threatens the natural order of things unless expressly sanctioned.

⁸¹ Diomedes’ *aristeia* in *Iliad* 5 is a case in point, as is Achilles’ own *aristeia*.

⁸² Whitman (1958: 221) argues that Athena represents the limits of Diomedes’ valor.

⁸³ So too his words at 6.141 ring with self-criticism.

The connection between *themis* and the natural order helps to clarify the passages involving Achilles' helmet and Aiolos' rejection. Because we have now seen that *themis* can invoke an idea of order that extends beyond the purely social or religious to include the basic structures of the cosmos, the reference to Achilles' helmet can be interpreted in larger terms. Up until his decision to slay Hektor in retribution for Patroclus, the *Iliad* presents Achilles' future as uncertain. There is always the possibility that he might return home to Phthia undefeated and live a long and happy (but inglorious) life.⁸⁴ No one in the epic, however, expects Achilles to choose the inglorious path: his life will be short,⁸⁵ and the death of Patroclus is the crucial turning point for his doom.⁸⁶ As Zeus predicts (*Il.* 8.470ff.), it brings about his return to battle and the death of Hektor, and as Thetis informs him, once he has killed Hektor his own demise will be soon to follow (18.95-6). By stating at the moment of Patroclus' death that Achilles' helmet had never been sullied, the poet not only sharply delineates the gap between the two figures,⁸⁷ but also links their respective deaths. Achilles' is bound to Hektor's, and Hektor's to Patroclus'. Cedric Whitman describes the matter succinctly:

The death of Patroclus is a shadow play of the death of Achilles, a montage of one image upon another, emphasizing with mysterious inevitability the causal relationship between Patroclus' fall and the final stage of Achilles' tragedy. When Achilles' crest drops from Patroclus' head and is stained with dust for the first time in its history, Achilles is already death-devoted, already dead.⁸⁸

⁸⁴ *Il.* 9.410ff.

⁸⁵ Already in *Iliad* 1 it is repeated by both Achilles and Thetis that he will be short-lived (1.352; 1.414ff.). For a full listing of the developing knowledge of Achilles' fate, see Griffin (1980: 163, n. 39). Cf. Whitman (1958: 188-9).

⁸⁶ So one can connect *themis* to personal doom and the divine: "Göttlich ist diese $\theta[\acute{\epsilon}\mu\mu\varsigma]$. nur insofern, als die ganze Ordnung des Lebens als göttlich empfunden wird." Latte (1934: 1626).

⁸⁷ The poet distinguishes them elsewhere: in his arming scene, Patroclus is unable to hoist Achilles' Pelian ash spear (16.140-4). See Thalmann (1984: 46) on how Achilles' arms links different characters.

⁸⁸ Whitman (1958: 201). See also Thalmann (1984: 46-7); Griffin (1980: 42-4; 136-7).

With reference to Achilles' helmet, *ou themis* sums up the larger order of fatal necessity which underpins the situation and renders Achilles' choices so powerful. It is not the case that the sully of the helmet is inappropriate given the armor's divine origin—which is only revealed when Hektor dons it in Book 17—but that *themis* refers to Achilles' fate: mortality is natural to humans,⁸⁹ and the sully of the helmet reflects the mortality not only of Patroclus and Hektor, but by extension, of Achilles as well. As long as the possibility of a return home and long life exists for him, it could never have been *themis* for his helmet to roll in the dust. Patroclus' death, however, marks the point where that possibility is lost.

The uses of *ou themis* in the episodes of Achilles' helmet reveals that *themis* applies to contexts far beyond the specific norms at work in particular situations. *Themis* can denote those different kinds of order because it is bound up with order at a more universal level—from human interaction and religion to the gods and their interactions, and all the way to the order of human fate protected by the gods. The narrator is particularly well suited to making claims about *themis*' more universal importance, even though he rarely makes such claims. But some characters have a capacity to recognize *themis*' more universal aspects as well: Aiolos too can justify his rejection of Odysseus as *themis* and trump the fact that their relationship of *xenia* is also governed by *themis*. While the dictates of *xenia* ought to urge Aiolos to assist his friend, Odysseus' return to his island reveals that there are at work supernatural forces beyond the former's control (other gods—specifically Poseidon—hate Odysseus), and so he opts to keep to his place in the divine and cosmic hierarchy. Aiolos' acquiescence does not so much indicate a religious awareness as it does a wider concern for cosmic order and for his own

⁸⁹ Nagy (1979: 179-80). Similarly, Athena restrains Ares in the Hesiodic *Scutum* by stating that it is not *themis* for him to slay and strip Herakles (446-9). *Themis* describes how it is not yet the time for Herakles' demise.

standing. Recognizing an order far beyond that of social or religious principles at work, Aiolos yields, and is perfectly justified in asserting that it is not *themis* for him to help a friend.

The singular uses of abstract *themis* indicate the difficulties in categorizing the norms invoked by the term. Not only are the norms described as *themis* of different sorts—social, legal, religious—but it also regularly happens that the description of an action or situation as *themis* or not *themis* can involve several norms simultaneously. The Cyclops' treatment of Odysseus is, from different perspectives, anti- or asocial, agnostic or impious. Yet the adjective *athemistos* is sufficient to describe this entire range of characteristics. From the perspective of the characters in the poem, the term's semantics span a variety of norms—a kind of blanket usage. Such blanket usages are protected by the term's further implications, of which characters need not be aware; while the phrase *ou themis* regularly involves social and religious obligations, in the description of Achilles' helmet and Aiolos' rejection of Odysseus a larger natural or cosmic order is implied. *Themis* not only describes the norms of human interpersonal relationships, but also applies to the gods' involvement in events and individual mortals' doom. As we will soon see, the more universal aspect of 'norm' and 'order' conveyed by abstract *themis* is no accident.

iv. Themis, the gods, and the cosmos

Because the reference to Achilles' helmet shows how deeply implicated in the structure of the cosmos *themis* is, it is clear that the semantic range of *themis* in describing possible interactions at the human level is far from the whole picture. Here we turn to a further aspect of the term's usage, namely, that in addition to applying at the cosmic level, *Themis* also appears in epic poetry as a personification at the divine level. Personified *Themis* reinforces the cosmic importance of order suggested by abstract *themis*; although she has the same affiliation with order that *themis* and its related terms convey in the mortal sphere in this

personified capacity, her role amongst the gods rings with larger significance. She is unique in her affiliation with the rule of Zeus: in the *Iliad* she appears only twice, but both instances involve Zeus' decree prohibiting the gods from participating in battle, and in both cases the authority of Zeus is stressed. She is similarly affiliated with Zeus in Hesiod, where her children by him represent a variety of norms. These norms are intimately bound up with the rule of Zeus, which organizes not only the cosmos, but also mortal society and individual human fate.

As a divinity, *Themis* is for mortals the patron deity of the agora;⁹⁰ as one would expect from this capacity, in Homer she appears only in contexts of personal interaction amongst the gods. When Hera returns to Olympus following the deception of Zeus, it is *Themis* who greets her with cup in hand (15.87-9), and who—as Hera advises—presides over the divine feast (15.95). Similarly, later in the *Iliad* she is bidden to summon the gods to assembly (20.4). These moments have garnered little attention, largely because the association of the divinity *Themis* with quintessentially communal activities such as feasting or the assembly appears to mesh perfectly with the so-called social and political aspects of *themis* at the mortal level.⁹¹ On closer examination, however, neither scene is straightforwardly transparent, and the significance of *Themis* is not limited to the social sphere, but extends to a wider sphere of Zeus' plans and divine necessity.

Little fuss is made in the narrative when *Themis* appears in Book 15. The other gods swarm to Hera and lift their cups in greeting as she returns from Ida, but Hera accepts *Themis'*, who reaches her first (*πρώτη γὰρ ἐναντίη ἦλθε* 15.88). Yet this is the first appearance of *Themis* as a divinity in Greek, and the significance of her appearance at this point in the *Iliad* is far from straightforward; apart from Hera's request that she initiate the feast (15.95),

⁹⁰ *Od.* 2.68-9 (see also p. 65, n. 113, *infra*).

⁹¹ So for example, Harrison (1962: 482ff.); Yamagata (1993: 74-5).

which invokes *themis*' connotations of social order, the goddess appears out of place. Nowhere else is she depicted as a cupbearer, and as a Titan (according to Hesiod⁹²) her very presence amongst the younger gods on Olympus is unusual. The troubles do not end there: if one naturalizes these points—as scholars have—by arguing that Homer depicts *Themis* as a cup-bearing Olympian so as to associate her with the orderly and organized divine community,⁹³ an even more serious problem appears. For while it is perfectly acceptable that *Themis* as the representative of order is the first one to receive Hera, the feast which follows is marked not by good order as the naturalizing argument would have it, but by Ares' discovery of and nearly disastrous response to the news of Askalaphos' death.⁹⁴

The entire impetus for the scene is Hera's disappointment at being scolded by Zeus, which has put her in a foul mood, and to which she reacts by stirring up trouble amongst the gods.⁹⁵ Conflict is brewing, and Hera is at the helm. What is more, she is fully aware of what she is doing; in her first exchange with *Themis*, she refers to the wicked deeds (*κακὰ ἔργα* 15.97) of Zeus (of which the gods will soon learn) and makes an ominous prediction:

οὐδέ τί φημι
πάσιν ὁμῶς θυμὸν κεχαρησέμεν, οὔτε βροτοῖσιν
οὔτε θεοῖς, εἴ πέρ τις ἔτι νῦν δαίνυται εὐφρων. (15.97-9)

⁹² *Th.* 132-5. As noted above, the antiquity of the idea has long been assumed, often with the additional assumption of the antiquity of the personified divinity: see Solmsen (1949: 35).

⁹³ Detienne & Vernant (1974: 105); Havelock (1978: 101); and Muellner (1996: 35), who makes far too much of *Themis*' silence in response to Hera's complaint.

⁹⁴ For other aspects of *themis* in this scene, see pp. 78-85 (*infra*).

⁹⁵ I pass over the narrator's difficult comment on the double expression of Hera, with which she laughs while keeping her brow knitted (15.101-4), to note only that she is still visibly upset. The statement that her forehead was not warmed (*οὐδὲ μέτωπον... ἰάνθη* 15.102-3) utilizes economic language: as Scodel (2008: 105) notes, forms of the verb *λαίνω* elsewhere indicate the pleasure one feels at receiving compensation (cf. *Il.* 19.174; *Od.* 22.59). Hera is not warmed at this point because she has received from Zeus not compensation, but a rebuke in retribution for her deception. This rebuke is still on her mind. On the formulaic expression *βοῶπις πότνια Ἥρα* in the context of enmity with Zeus, see Beck (1986: 480-8), and on its absence at 15.92 see Friedrich (2007: 79-80).

“Nor do I think that everyone will be equally pleased in his *thumos* [with what has happened]—neither mortals nor gods—although one is even now happily feasting.”

Hera essentially announces that she is bringing bad news and that a ‘certain someone’ is not going to like it. Trouble is on the horizon, yet in the midst of it she appeals to *Themis*. To say that *Themis* is invoked simply to oversee communal good order is to misinterpret the thrust of the scene: given Hera’s intention of creating discord amongst her divine fellows, the real problem is not why *Themis* appears or in what capacity *Themis* appears, but why Hera calls upon *Themis* to preside over the strife that she is on the verge of initiating.⁹⁶

Once the issue is reframed to focus on Hera and her intentions, new interpretive possibilities appear. At issue, I believe, is the matter of Hera’s face vis-à-vis the Olympian community.⁹⁷ She arrives on Olympus after being rebuked by Zeus for deceiving him and disobeying his command to stay out of the human conflict, and in her embarrassment she immediately attempts to save face before her fellows. Her status has been undermined, and both she and the other gods know it.⁹⁸ The entire scene, as such, can be read as a public face-saving exercise: although she nominally addresses *Themis*, Hera’s response is aimed at the group, and aims to deflect negative attention away from herself. To this end, she first reminds the others of Zeus’ stubborn strength (15.93-4), and attempts to single him out by describing his *κακὰ ἔργα*. Not only do her words attempt to frame Zeus as being in the wrong, but they also serve to distinguish him from the present collective of assembled deities, who will all soon learn what has happened, and who will collectively be grieved (15.96-99). Her second speech

⁹⁶ For a different reading of the scene in terms of *mēnis*, see Muellner (1996: 6ff.)

⁹⁷ On the topics of face and face-negotiations in Homer, see Scodel (2008). She does not treat the passage in question.

⁹⁸ As *Themis* points out, Hera has been defeated: ἀτυζομένη δὲ ἔοικας. / ἦ μάλα δὴ σ’ ἐφόβησε Κρόνου πάϊς, ὅς τοι ἀκοίτης (15.90-1). Janko (1992: ad 15.90-1) notes that “Hera looks as though she has been routed by Zeus.”

continues in much the same way; she sets Zeus apart from the others in terms of his strength and his emotional distance (15.104-8) and elliptically indicates that if they cannot oppose him, they must submit to his superiority (15.109). The rhetoric of this statement, however, is thinly veiled: in light of the rebuke she has just suffered, Hera makes a bad advocate for submission. Rather, implicit in her words is a criticism of wholly submissive behavior: “hence you have whatever evil he sends <because you do not challenge him>.”⁹⁹ Zeus’ restrictions are presented as an infringement preventing the fulfillment of their proper roles.¹⁰⁰

Hera’s negotiation of face is deft: avoiding reference to her own defeat at Zeus’ hands, she sets her husband apart as an inconsiderate and obstinate deviser of evils for all other gods, thereby luring the others to sympathize with her dissent and spurring them to act in kind out of concern for their own autonomy. If, as in Hesiod, Zeus’ rule is characterized by the just distribution of *timai* amongst the gods, then Hera’s aim is to portray Zeus’ restrictions of divine action in the *Iliad* as unjust.¹⁰¹ There is the slight hint of rebellion, but the beauty of her speech is that she garners their collective sympathy for opposing Zeus and spurs them to action on the one hand while simultaneously pointing out that it cannot but fail on the other. The reality of her own face-threatening defeat vanishes: in light of Zeus’ strength, the defiant response is appropriate even if it is fruitless. Zeus is stronger and will get his way, the argument implies, but that is no reason to grant him license to do as he sees fit if it is unjust: it is better to oppose him and fail than to yield entirely. In an instant, then, Hera transforms

⁹⁹ So Janko (1992: ad 15.109-12) translates τὸ ἔχεθ’, ὅτι κεν ὑμμι κακὸν πέμπησιν ἐκάστῳ (15.109).

¹⁰⁰ So Whitman (1958: 230).

¹⁰¹ See *Th.* 395-6. For the restriction of gods’ proper functions (and its pitfalls) see also Corsano (1988: 32ff.). Ironically, the association of *Themis* with the rule of Zeus in Hesiod adds further irony to the fact that Hera turns immediately to *Themis* on returning to Olympus; it further suggests that Hera is protesting the injustice of Zeus’ current actions. As we will shortly see, however, *Themis* is in fact involved in the decisions against which Hera protests.

her defeat into an example for the other gods to follow, restoring her face and making the events surrounding her defeat both appropriate and necessary.

Recognizing that Hera's troublemaking is aimed at restoring her public status amongst the gods wholly alters the interpretation of the scene. She is not so much simply stirring up trouble for trouble's sake as she is attempting to have the others sympathize both with her opposition to Zeus and her defeat at his hands. Her face requires the collective recognition that dissent is appropriate in light of Zeus' restrictions—even if it is ultimately fruitless.¹⁰² That she subsequently provokes Ares to dissent provides a case in point, and the second part of the scene functions perfectly as a continuation of her face-saving negotiations. She knows that Ares will not take the news of Askalaphos' death well (15.97-9), and her revelation of the news is constructed so as to elicit a rash response.¹⁰³ That he responds as he does—asking leave from the others to seek vengeance, even against Zeus' will (15.115-8)—demonstrates precisely the urge to oppose Zeus' restrictions which she has been advocating. Ares is like Hera: in response to unwelcome suffering, action or retribution becomes necessary. In provoking his response, Hera has accomplished two goals, both vindicating her own opposition to Zeus, and making Ares instead the focus of the gods' attention. Yet her face-saving exercise is not limited to these two goals; rather, the restoration of her status also requires the defeat of Ares' desire for vengeance. For Hera's purposes, dissent in the face of Zeus' decreed restraint is appropriate, but so too is the defeat of that dissent necessary: she needs to show that there was nothing shameful in her defeat at Zeus' hands.

¹⁰² Cf. de Roguin (2007: 112ff., 188ff.) for a discussion of how the scene of *apatê* reflects Zeus' consolidation of his new, Olympian order.

¹⁰³ Janko (1992: *ad* 15.109-12) points out that her language casts doubt on Askalaphos' paternity, and that to prove his paternity, Ares will have to take revenge.

By interpreting the provocation of Ares as part of a face-saving exercise on Hera's part, troubling aspects of the scene fall into place. For while Hera is clearly upset at the start of the scene, she is not simply a revolutionary advocating widespread discord, rebellion and succession amongst the gods. In fact, it is unlikely that Hera truly expects Ares to head to the battlefield. Rather, she sets Ares up to be disappointed in his desire for vengeance, as she was disappointed in her desire to help the Achaeans and was subsequently reprimanded by Zeus. She admittedly seeks discord, but also the quelling of that discord. It is here that Hera's choice to involve *Themis* in the scene finally becomes clear and the paradox that *Themis* be invoked in a scene of social discord vanishes. Instead of exhorting the gods to an orderly feast by utilizing the rhetorical formula ἦ θέμις (ἐκτίν), she manipulates *Themis* herself. For as soon as one posits that Ares is set up to fail, *Themis* becomes the embodiment of the principles that defeat him: Athena—who is elsewhere well in tune with Hera¹⁰⁴—physically restrains and disarms him (15.125-7), arguing that defying Zeus will have consequences for all the other gods (15.132ff.) in addition to Ares himself. Ares' intentions constitute a threat to Zeus' rule, to the community as a whole, and to the ideas of norm and order represented by *themis*. In restraining him, Athena acts out of a wider social awareness: her intention is to prevent social strife and preserve precisely the kind of good order represented by *Themis*. Seemingly cognizant of Hera's intentions, Athena restrains the war-god using precisely the arguments for social stability evoked by the goddess whom Hera has placed in charge of the congregation. Her question to Ares 'didn't you hear what Hera has said?' is wholly ironic:¹⁰⁵ in the end, Hera plays the puppeteer in this scene, plotting not only the aggravation of Ares but the boundaries within which it will be contained. Athena's actions are fully in tune with Hera's request that

¹⁰⁴ They work in consort elsewhere (e.g. 1.194ff.; 5.711ff.; 8.350ff.).

¹⁰⁵ οὐκ αἴεις, ἄ τέ φησι θεὰ λευκώλενος Ἥρη, / ἦ δὲ νῦν παρ Ζηνός Ὀλυμπίου εἰλήλουθεν; (15.130-1).

Themis preside over the feast (15.95). Since this is the same Ares who previously is said not to know any *themis* (Il. 5.761),¹⁰⁶ that Athena must step in and restrain him under the auspices of *Themis* is fully appropriate.

Interpreting the role of *Themis* in this scene requires some attention to detail; while one is tempted initially to naturalize her role as appropriate to the setting of feasting and conviviality, the subsequent baiting of Ares renders this interpretation paradoxical. After all, why would Hera appeal to *Themis* as a figure of orderly social interaction and then deliberately provoke another god to defy Zeus' will? It is the fact that Hera's agency underlies both *Themis*' presidency and Ares' belligerence that requires explanation, and by reading the scene as a face-negotiation, a solution comes to the fore. Hera turns to *Themis* because her face-saving negotiations will require not only that Ares desire vengeance, but that he also be prevented from taking it. *Themis* is the appropriate thematic figure for the containment of disorder. But if the function of *Themis* in the scene can be explained, pinpointing her significance is rather more difficult. From the perspective that Ares is restrained out of a larger concern for the divine society, a social aspect is evident, since *Themis*' sphere of influence includes social order. But inasmuch as larger issues such as necessity and Zeus' imperative that the gods stay out battle loom in the background to Hera's defeat and ill temper, *Themis*' presence also invokes a larger, more universal order. Ares is not simply being prevented from harming the larger divine community by his actions, but also from violating the commands of Zeus, and *Themis* is as much the appropriate figure for restricting the latter as she is the former.

That Hera's interaction with personified *Themis* reflects not simply a face-saving exercise on her part but, more importantly, an acceptance of Zeus' will, deserves further consideration. For in the *apatê Dios* preceding her encounter with *Themis*, Hera is far from in

¹⁰⁶ I interpret this scene from the perspective of Ares' ignorance of *themis* on pp. 78-85 (*infra*).

line with Zeus' wishes. She finds the pronouncement restricting the gods' involvement in the war intolerable, especially since it is aimed at allowing a period of Trojan ascendancy, and has repeatedly attempted to challenge her husband's decree.¹⁰⁷ The culmination of her defiance is her seduction of Zeus, which provides Poseidon with the opportunity to assist the wearying Achaeans. Yet even here, the principle of *themis* is invoked. For as soon as Zeus retires following the seduction (14.330-53) Sleep informs Poseidon and the god leads an Achaean resurgence. He exhorts the Achaeans (14.364-77), and after they exchange arms, leads them into battle:

ἦρχε δ' ἄρα σφι Ποσειδάων ἐνοσίχθων
 δεινὸν ἄορ τανύηκες ἔχων ἐν χειρὶ παχείῃ
 εἴκελον ἀστεροπῆ· τῷ δ' οὐ θέμις ἐστὶ μιγῆναι
 ἐν δαῖ λευγαλέῃ, ἀλλὰ δέος ἰσχάνει ἄνδρας. 14.384-7.

And Poseidon the earth-shaker led them, holding in his large hand a dreadful, thin-edged sword that was like lightning. And it is not *themis* to meet it in painful battle, but fear holds men back.

By describing the god's sword as being like lightning, the narrator makes Poseidon an avatar of his younger brother Zeus. Because Poseidon's actions are in violation of Zeus' will, however, the comparison is ironic, or even fraudulent.¹⁰⁸ Poseidon is most definitely not Zeus in this scene: he is in the process of disobeying his brother's decree which prohibits his involvement! The narrator's reference to *themis* deepens the contrast. For not only does the syntax not specify whether the article's antecedent is the god or his sword—not that it matters, “since none dares face the sword, none dares meet its owner”¹⁰⁹—but because it is highly unusual for

¹⁰⁷ Her animosity towards Troy is clear already at *Il.* 1.536ff. and 4.5ff. Following Zeus' prohibition (8.5ff.) she not only spurs Poseidon to defiance (8.198ff.) but also attempts to head to the battlefield herself before being rebuked (8.350-484).

¹⁰⁸ As Janko notes, since lightning is Zeus' weapon, Poseidon “is even now rather a fraud” (1992: *ad* 14.383-7).

¹⁰⁹ Janko (1992: *ad* 14.383-7).

the narrator to make assertions about what is *themis*,¹¹⁰ that he goes so far as to utilize the formula *ou themis* also reveals that something serious is at stake: just as the assertion that it is not *themis* for Achilles' helmet to roll in the dust (16.796-7) invoked the more universal context of human fate, so too does the assertion that it is not *themis* for mortals to oppose the god (and his weapon) ring with deeper significance. For although the general reference is to the impropriety of mortals opposing divinities or divine instruments, the specific instrument invoked in the simile is the lightning bolt of Zeus. What the simile suggests is that it is not *themis* to oppose Zeus' lightning bolt, and that the narrator indicates as much in describing Poseidon's foray into battle in violation of Zeus' prohibition marks the impropriety of the former god's actions: the narrator both depicts Poseidon as a fraudulent version of his younger brother and, by contrasting the awe mortals feel before him to his own unruliness, intimates the larger cosmic threat implicit in defying Zeus' will.¹¹¹ Poseidon's defiance of his brother's decree is *ou themis* just as much as mortal opposition to the gods.

The suggestion that the will of Zeus—particularly the command prohibiting the gods from partaking of battle—is involved in this appearance of the divinity *Themis* and the entire *apatê Dios* is intriguing because not only is this context clear from Books 14-15, but it recurs at the start of Book 20 when Zeus lifts the restrictions on divine participation in battle. There, he dispatches *Themis* as a messenger to summon all the gods to an assembly (20.4). As in Book 15, *Themis*' role is not immediately straightforward; Iris normally serves as Zeus' messenger, so when Zeus bids *Themis* summon the assembly, her execution of this task stands out—

¹¹⁰ Griffin (1986: 38). See also *Il.* 16.796-7 (pp. 51-6, *supra*); 16.387 (pp. 108-9, *infra*).

¹¹¹ Cf. Hirzel (1907: 48), who takes the phrase to mean "it is not advisable" (as opposed to 'it is not allowed'); and Yamagata (1993: 74).

particularly as it involves assembling even the rivers and nymphs.¹¹² And even though the *Odyssey* indicates that she is the appropriate figure for the summoning of an assembly,¹¹³ one wonders whether her function as ‘convener of assemblies’ is as literal as the scene in Book 20 suggests, especially since she nowhere else in literature or art serves this purpose so literally. Indeed, there seems to be something more than her undeniable affiliation with assemblies at stake. Others have suggested that *Themis* is involved because the assembly is an important one: like the reconciliation of Agamemnon and Achilles in the preceding Book, in this assembly Zeus removes the prohibition keeping the other gods from intervening in the struggle,¹¹⁴ which effectively restores normality to the divine community. Once again, *Themis* has significance on a number of levels: not only is she connected to the assembly itself, but as the convener of the assembly, she is therefore also involved with the order it achieves and both the context and motives for summoning it. And the entire context is bound up with the plan of Zeus; the prohibition keeping the gods from battle was enacted following Zeus’ promise to Thetis and Achilles, as is everything which follows from Patroclus’ death to Achilles’ re-entry into battle to the death of Hektor and the fall of Troy.¹¹⁵ The larger order of Zeus’ plan underlies the poetic events, and the evocation of *Themis* at a crucial turning point in the fulfillment of that plan connects the goddess to the will of Zeus.

Connecting *Themis* with the idea of more universal order is difficult on the basis of Homer alone, and I admit that were there no external support for this point it would be somewhat more difficult to maintain. There are other reasons, however, to associate *Themis*

¹¹² Edwards (1991: *ad* 20.4-12) notes a parallel with the human assembly in the preceding Book, whose importance was also amplified by being unusually well attended (19.40-6).

¹¹³ She is the divinity who ἀνδρῶν ἀγορὰς ἤμεν λύει ἠδὲ καθίξει (*Od.* 2.68-9). The stipulation that *Themis* summons and dissolves the assemblies of *men* is not troubling given the context of the scene: Telemachos is referring to the human assembly he has summoned.

¹¹⁴ Edwards (1991: *ad* 20.4-12).

¹¹⁵ Zeus agrees to Thetis’ request (1.518ff.), which leads to the prohibition of divine participation (8.5-27). All of this takes place within the context of what Zeus has planned to happen (15.49-77).

with the will of Zeus. The extant summary of the cyclic *Cypria* provides one indication: there, *Themis* plans the entire Trojan War with Zeus.¹¹⁶ Hesiod also provides a corroborating testimony to the perception of *Themis* as a divinity bound up with cosmic and divine order. In the *Theogony*, he lists *Themis* as amongst the earliest generations of gods.¹¹⁷ Little is said about her initially, but since Hesiod's technique is generally to elaborate on the indiscriminate attributes of earlier generations of gods via the characteristics of their offspring, this is not surprising. True to form, the nature of *Themis*' offspring is revealing. Hesiod makes her the second wife of Zeus after *Metis*, and these two marriages are commonly recognized as validations of Zeus' rule.¹¹⁸ Zeus' liaison with *Metis* categorizes the order he installs as imbued by wisdom, and his affiliation with *Themis* ensures its operation within set norms. The rule of Zeus, Hesiod implies, is wise and just, as is the cosmos arranged by him. The children these two wives bear Zeus demonstrate these principles: *Athena* is born of *Metis*, and becomes the representative of Zeus' wisdom.¹¹⁹ *Themis*' children, however, present a far more elaborate range of implications:

Δεύτερον ἡγάγετο λιπαρὴν Θέμιν, ἣ τέκεν Ὠρας,
 Εὐνομίην τε Δίκην τε καὶ Εἰρήνην τεθαλυῖαν,
 αἳ τ' ἔργ' ὠρεύουσι καταθητοῖσι βροτοῖσι,
 Μοίρας θ', ἧς πλείστην τιμὴν πόρε μητίετα Ζεύς,
 Κλωθῶ τε Λάχεσιν τε καὶ Ἄτροπον, αἳ τε διδοῦσι
 θνητοῖς ἀνθρώποισιν ἔχειν ἀγαθόν τε κακόν τε. (*Th.* 901-6)

Zeus made rich *Themis* his second wife, who bore him the Seasons—Good Order, Justice, and flourishing Peace—who attend to the tasks of mortals, and

¹¹⁶ I will discuss the *Cypria* in more detail subsequently (pp. 194-8, *infra*).

¹¹⁷ *Th.* 132-5.

¹¹⁸ So Solmsen skeptically (1949: 35, 55); West (1966: *ad* 881-1020). Vos (1956: 50-1) argues that Zeus' marriage to *Metis* allows him to rule over the gods (without threat of being overthrown) while his marriage to *Themis* allows him to rule over mortals. Cf. Lloyd-Jones (1983: 36), who agrees that this depicts Hesiod's beliefs about the nature of Zeus' rule, but posits that "this family was no doubt his own invention."

¹¹⁹ *Th.* 886-900. The tale is repeated in fr. 343 (M-W: 1967) alongside *Hera*'s parthenogenesis of *Hephaestus*, where the tale of her birth from Zeus' head is attested. *Athena*'s importance as a figure of wisdom is stressed in the *Theogony* passage; she is ἴσον ἔχουσαν πατρὶ μένος καὶ ἐπίφρονα βουλήν (896).

the Fates, to whom Zeus provided the most *time*—Spinster, Distributor, and Fixity—who give both good and misfortune for mortal humans to have.¹²⁰

The children of Zeus and *Themis* elaborate on the implicit characteristics of both. The characteristics are broad: implicit in the Seasons is the orderly operation of nature and her cycles. On this basis one can infer that *Themis*' connotations of order extend to the sphere of nature—or even the cosmos—and that Zeus' rule is seen as bound up with the orderly operation of the universe. But that natural order is inextricably associated with political order:¹²¹ the trio of Good Order, Justice, and Peace all denote order at the social and political level, and as the seasons, they are inextricably bound to another kind of order. So while these principles are not external to the gods, Hesiod clearly has their specific relevance to human affairs in mind in describing them (903).¹²² The third group of offspring combine the aspects of the first two: in the Fates, one encounters the lot of specific individuals, even though that lot functions at a much higher level of universality; the thread of fate is spun, distributed, and cannot be altered, as the names of the three Fates indicate. Fate is as much an external necessity as it is a personal human reality. In the characteristics of these children, one glimpses the attributes of their parents.¹²³ The involvement of *Themis* with Zeus' regime and the order of divine society is not without accident: elsewhere in the *Theogony*, Hesiod is explicit that the distribution of the gods' various offices is both the defining element of Zeus' regime and *themis* (*Th.* 392-6).¹²⁴ Order at all levels—from the cosmos itself to the divine and human communities under Zeus' leadership—is bound up with *themis*.

¹²⁰ I have translated the names of these figures lest their Greek meaning be lost in transliteration.

¹²¹ By virtue of their names, Solmsen (1949: 34ff.) sees the Horai as “deities who protect the peaceful work of men” and argues that they cannot be understood as seasons.

¹²² As Thalmann (1984: 78) says, they are “part of the human experience.”

¹²³ A line from Euripides' *Heracleidae* reinforces the idea: ‘it is not *themis* to flee things that are fated’ (*μόρσιμα δ’ οὔτι φυγεῖν θέμις*, 615).

¹²⁴ Pace Yamagata (1993: 80), the usage of the formula *ἡ θέμις ἐστίν* is not anachronistic: it is the essence of Zeus' new cosmic regime.

The marriage of Zeus and *Themis* produces norms: nature is governed by seasons, which regulate its operation; human societies have peaceful order and justice as their goals, and individual mortals are subject to the limits of fate, which cruelly distinguish them from the immortals. Zeus' rule establishes these principles, and by extension, *Themis* not only underlies all of them in her role as mother, but also Zeus' rule itself in her role as wife. Her difficult appearances on Olympus in the *Iliad* presuppose this spectrum of implications, and in this light it is significant that her two appearances are closely bound up with the will of Zeus. It is not simply the case that she appears only in the context of an assembly, but also in the larger context of order—whether that order be the normal operation of a society, the normal cycle of a mortal's life, or the decisions and rules of Zeus that structure and determine events at a more universal or cosmic level. *Themis* is bound up in all of these aspects.

d. Conclusion

As one can see from the wide variety of uses of *themis* in epic poetry, the term has a wide semantic range that covers the ideas of norm and order from the natural and cosmic levels to the social, political, judicial, and religious. As a concept, *themis* is integral to the mindset of the archaic world; whatever happens in accordance with a norm or in striving to realize a norm falls under the rubric of *themis*, and those which do not or which deviate from it are said to violate or pervert *themis*. The variously broad or specific significance of the term reveals a Chinese-box structure of thought in the archaic world: since the order of the cosmos itself—whether in the rule of Zeus (via his marriage to *Themis*), or of nature (via their offspring the Fates and the Seasons)—accords with *themis*, there is a precedent for order at the most universal level. This sense of order is passed down: *Themis* is also a figure in the divine community, and her affiliation with Zeus and with the rule he engenders characterizes the operations of the divine as occurring within set norms and in an orderly fashion.

As a principle, *themis* is omnipresent in the archaic worldview, whether considered as cosmic order, the divine principle of order, or the everyday norms of human life from sex and family interactions to politics and legal matters, ritual and religion. At no point can its semantic range be fixed on any of them individually: at the most basic level of animal instinct and nature, *themis* denotes the biological urge to procreation (*Il.* 9.134=9.276). Moving beyond the sphere of animal urges, it describes human interaction at the level of the family, the most basic social bond: it is *themis* for sons to greet fathers (*Od.* 11.451), and for wives to lament their lost husbands (*Od.* 14.130). Already, the line between *themis* as a fact of nature and *themis* as a social norm is becoming fuzzy. Progressing further still to more developed forms of human interaction, *themis* governs the bonds of *philia* and *xenia*, and (as we will see in the next chapter) is even at work (via the *themistes*) in formal political or legal interactions. The categories of natural, religious, social, and political are at this point of little service: such interactions are not simply social or political but are also natural and religious. For in addition to *xenia*, ritual observation, oaths, and prayer are all classified as *themis*.¹²⁵ Then, at an even more universal level, *themis* is also involved in the hierarchy of gods and the arrangement of mortal fate. As a principle of order and organization, *themis* is nearly universally applicable: where human beings are involved, it describes nearly the entire range of possible interactions from the most basic animal urges to institutionalized political interactions and even religious observances. Even amongst divine figures it can denote a larger, cosmic norm which is not to be violated. *Themis* can mean a number of things in a number of situations, and the categories describing it, because they mask semantic overlap by distinguishing usages, generally inhibit a more complete understanding of its nuances. In the end, all that the various individual uses

¹²⁵ Ritual observation (and its problems) are discussed on pp. 49-51 (*supra*). On oaths, see *Il.* 23.581. For prayers, see *Od.* 3.45.

share is a common reference to the concepts of norm or order, and by taking recourse to these instead of other, more specific categories, the term's broad semantic range persists.

The difficulty with the epic usage of *themis* and its related terms is that, for all the connotations of order they invoke, they regularly appear in contexts where the different kinds of order are under threat. Mortal claims about *themis* always recognize both that the situation requires them and that the possibility of dissent is real, and so too is the idealized mortal capacity for *themistes* far from perfect in its execution. Even amongst the gods the order implied by *themis* is subject to resistance: although *Themis* bears many principles of cosmic and social order from her union with Zeus, her affiliation with his will in both Homer and Hesiod appears in contexts where strife and rebellion against Zeus lurk as precarious possibilities. The order protected by *themis* is established in epic poetry, but it is not absolutely fixed and immune to dissent and challenge.

Chapter 2

Themistes and Societies

a. Introduction

In the previous chapter, we encountered a wide variety of uses for *themis* in the singular as an abstract idea and a personification. Although the term's primary association lies with 'right' (as consistent with an idea of order), the specific kind of order in question can vary widely from the specifics of political machinery and religious observation to the limits of human fate and the organization of the cosmos itself. As such, assertions about what is or is not *themis* can describe a potentially limitless variety of circumstances or situations—they cannot easily be categorized as social, legal, religious, etc. We also saw that the majority of claims about *themis* are made by characters as part of a rhetorical maneuver which recognizes and preempts an interlocutor's potential resistance: claims about what is or is not *themis* are never challenged, even if the particular principle of right they invoke is regularly nebulous. In the end, the difficulty in pinning down abstract *themis* lies in the fact that the order it invokes is essentially a cosmic or divine one, which applies to any number of situations and can be both undermined and maintained.

The study of *themis* in early Greek is not limited to the abstract use of the term. A related term further stresses *themis*' importance in denoting the norms of human society: mirroring the abstract idea of order invoked by the term *themis* are its actual instantiations (*themistes*). Unlike abstract *themis*, the *themistes* have a particular content, and in epic occur in specifically human contexts: they denote the appeals and arguments made by individuals about particular courses of action—usually in a legal or political context. They are particularly

associated with figures of authority. The mechanism relating *themis* and *themistes* is fairly straightforward: scholars agree that the *themistes* comprise a corpus of legal precedents (reflecting more universal order—*themis*) which were transmitted orally prior to the written codification of law. The mechanism functions as follows: petitioners at court plead their case by making arguments by means of any number of precedents (*themistes*)—often diametrically opposed—which respectively claim to be the appropriate or right (*themis*) response to a given conflict (*neikos*). The judicial body, in turn—whether an individual *basileus* or a council of judges—considers the *themistes* presented before it and offers a verdict which, unlike the claimants’ arguments, includes *dikê*.¹ Because of the role of precedent in the process of deliberation, the judiciary’s verdicts are also *themistes*: verdicts may be drawn from the existing body of *themistes* (provided there is a precedent appropriate to the *neikos* at hand) or generated by the particular judicial body—after which time they take their place amongst the other *themistes* passed on to a subsequent generation. The *themistes*’ relationship to *themis* gives them their binding force: the individual *themistes* of a judicial body aim (and claim) to realize and actualize abstract *themis*. But as the collective body of oral law, *themistes* are wedded more closely to the human figures who deliver them than they are to the abstract idea to which they appeal: *themistes* can be crooked, and not all *themistes* are, in fact, reflective of *themis*.² Judges and *basileis* can be corrupt, and while one can protest to the gods about the judiciary’s crooked *themistes*, there is no guarantee that a response will be forthcoming: the gods do not themselves distribute *themistes* in Greek epic.

As we turn from *themis* to the usage of the related term *themistes*, it is crucial to remember that, despite the predominately social contexts in which abstract *themis* appears,

¹ Bonner & Smith (1930: 10) note the human agency in *dikê* (as an application of *themis*), but trace *themis* back to the gods.

² Cf. Yamagata (1993: 74), who argues that some *themistes* “are moral codes.”

those social usages presuppose a larger semantic implication of order extending all the way into the fabric of the cosmos. *Themistes*, as we will see, also appear predominately in the specific context of human social interaction, but differ from abstract *themis* inasmuch as they are the exclusive property of mortals, and are, crucially, detached from the more universal—one can say *divine*—implications of abstract *themis*. *Themistes* are regularly paired with the scepter as part of the trappings of mortal authority, but while they have a source in the divine (like the scepter), the gods themselves have no capacity whatsoever for delivering *themistes*. *Themistes* function solely at the level of human social interaction.

The significance of this latter point has hitherto been unrecognized: *themistes* have regularly been understood as oracles already in Homer,³ and on that basis some scholars have reconstructed elaborately the early history of Greek society by connecting *themis*, law and the divine will—sometimes as revealed via oracles.⁴ And while I have taken great pains in the preceding chapter to demonstrate that *themis*' semantic range denotes order from the level of human interaction all the way up to the fabric of the cosmos, I must stress that there is no evidence for arguing that the gods legislate the norms regulating human behavior. The reason for the widespread misapprehension, I believe, lies in the failure to distinguish abstract *themis* and individual *themistes* adequately. For while *themis* occurs most regularly as the abstract idea of right (which presupposes order), *themistes* are largely restricted to mortal figures of authority. They have a special connection to the scepter, which emerges in epic as the physical symbol of authority, and they most easily denote the body of precedents and judgments from which a figure of authority draws in a deliberative context. Most often, that context is political

³ See *LSJ* s.v. III; Stafford (1997: 162-3). Ehrenberg (1921: 6, 14) goes so far as to make *themis*' earliest significance the divine, oracular will. Cf. Vos (1956: 17-22).

⁴ So Vos (1956: 19ff.); Bonner-Smith (1930: 9-11); Benveniste (1973: 382-4); Stafford (1997: 165); Janik (2003: 56).

or legal. And while the *themistes* invoke the larger idea of order implied by *themis* and its divine framework, they need not consistently actualize it. Critics who argue that, for example, *themistes* are the prescriptions of *themis* go too far;⁵ as we will see in the following discussion, not all *themistes* are in fact *themis*, and in the hands of mortal figures of authority it happens that they are misapplied or otherwise perverted. Unlike *themis*, *themistes* operate solely at the level of human society, most specifically in legal contexts where they reflect a body of legal precedent transmitted orally from generation to generation. While mortal authority and capacity for these *themistes* ultimately derive from the gods, the *themistes* themselves are mortal property and are, as such, subject to error and corruption. Not all *themistes* are *themis*; though the *themistes* comprise a body of precedent, there is no reason for *basileis* to rule in favor of the *themistes* that are most appropriate for particular disputes. Just as *Themis* regularly appears amongst the gods in contexts where societal norms and Zeus' plan are threatened, so too do the *themistes* reflect mortal society's struggle to maintain order.

b. *Themis* and Social Boundaries

i. *Semi-abstract themis*

In the first chapter, we examined the uses of abstract *themis* in the singular and both the complicated range of norms and variety of claims they reveal, as well as personified *Themis*' association with cosmic order. But before moving on to the objective uses of *themis* in the plural (in the form *themistes*), there is a problematic middle point: twice in the *Iliad*, one encounters *themis* in the singular where its meaning is not straightforwardly abstract, but appears to carry the objective force akin to the plural *themistes*. These two anomalous uses blur the line between abstract *themis* and the *themistes*: they share an affinity to individual

⁵ Rudhardt (1999: 29).

themistes (as judgments or verdicts) on the one hand and the abstract idea of *themis* as right on the other. When linked to the agora, *themis* implies both the site in which *themistes* are produced and the locus of societal order for the Achaean army; similarly, Ares' ignorance of *themis* casts him both generally as a misfit in the divine society and specifically as ignorant of Zeus' plan for the fall of Troy. The distinction between abstract and objective *themis* breaks down: the use of *themis* in these two instances does not differentiate between the two possibilities, and these anomalous instances demonstrate that the boundaries between singular and plural, abstract and objective *themis* are more fluid than one might have supposed.

Following his visit to Nestor in Book 11, Patroclus sets out on his return to Achilles and passes by the ships of Odysseus, which prompts the narrator to provide a topographical detail that the ships of Odysseus are located near the agora (ἵνα σφ' ἀγορῇ τε θέμις τε / ἦην, 11.807-8). Commentators interpret the unique phrase by positing a hendiadys that roughly equates *themis* in the singular with the physical agora.⁶ An agora is a *themis* because it is in the agora where particular *themistes* (judgments) are pronounced, as elsewhere the Cyclops is said to lack an agora and *themistes* (Od. 9.112).⁷ On the surface, the explanation is well borne out by the parallel usage in the *Odyssey*: *themistes* are similarly bound to the agora.⁸

⁶ So Hainsworth (1993: *ad loc.*) and Janko (1992: *ad* 15.87-8) both say that an assembly is called a *themis*. Rudhardt (1999: 28) and Ehrenberg (1921: 12) also favor reading the two terms—agora and *themis*—together. Hölkeskamp (2002: 319) states simply that the agora is where “*themis* resides.” Ruipérez (1957: 176-7, 181-6; 1960) is much bolder, and argues that *themistes* and *themis* were originally the polished stones of which the agora was comprised (and therefore more akin to θέμεθλα and θεμείλια). His interpretation, however, is bound up with the Linear B evidence that is no longer tenable. See pp. 22-6 (*supra*).

⁷ So Hainsworth (1993: *ad loc.*). Cf. the objection of Rudhardt (1999: 28), who interprets *themistes* here as “règles éthiques” by comparison with Od. 9.215, where it is said that the Cyclops οὔτε δίκας εἶδ’ οὔτε θέμιστας. The parallel passage from the *Odyssey* presents the possibility that *themis* and the agora comprise what Hainsworth (1968: 61) calls a “formulaic word association,” but the Homer attestations do not allow the assertion that the association is at all formulaic.

⁸ I treat the Cyclops episode in further detail elsewhere (pp. 45-9, *supra*; 117-20, *infra*)

But while *themis* and the agora clearly go together, the disparity in number between *themis*/*themistes* invites further examination—there is, on the surface, no direct correlation between an individual *themis* (*qua* assembly) and *themistes* as the rules or verdicts of particular individuals (even if they are pronounced in that assembly). And given that *themis* in the singular more normally carries abstract weight, one can just as easily interpret its appearance in the hendiadys ἀγορή τε θέμις τε as denoting that abstract idea of right. According to this second interpretation, because the agora is the primary locus of political order for the Achaean camp at Troy (in the absence of some other centralized political entity), it just as easily represents the place where the influence of social order is most pronounced.⁹ One can translate ἵνα σφ’ ἀγορή τε θέμις τε ἦην as ‘where the social order of the agora was.’ In some ways, this rendering is preferable: Diomedes, after all, criticizes Agamemnon near the start of Book 9, but excuses the criticism on the grounds that it is *themis* to do so in the context of the agora (9.32-3). There, *themis* is also associated directly with the agora, but significantly (for my purposes) not so much with the agora itself as with the norms at work in its orderly operation.¹⁰ Ultimately, there are two possible readings which both have sound explanations and support from elsewhere in Homer, and in conjunction they reflect different connotations of *themis*. *Themis* can be identified with the agora both because it is within the context of the agora that decisions and rules (*themistes*) are generated,¹¹ and because the agora represents the orderly social and political operation (*themis*) of a community. These readings are not mutually exclusive: in place of the strict classification of *themis* as objective or abstract, one

⁹ As Rudhardt (1999: 23, 28) puts it: “son nom [sc. de *themis*] indique pourtant qu’il [agora] doit prendre des décisions conformes à certaines exigences éthiques.”

¹⁰ So also at *Od.* 2.68-9, where Telemachus appeals to the divinity *Themis*, ἧ τ’ ἀνδρῶν ἀγορὰς ἡμὲν λύει ἠδὲ καθίζει.

¹¹ So van Wees (1992: 34, n. 44) translates *themistes* as ‘law-sessions’.

recognizes that the usage here depends upon *themis*' general affiliation with order—in this case, a markedly social, political, or legal order.

The second usage of *themis* in the singular lends itself to similar interpretive possibilities. In Book 5, Hera complains to Zeus that Ares' rampage grieves her, and she categorizes both him and his actions as out of line:

Ζεῦ πάτερ, οὐ νεμεσίξῃς Ἄρη τάδε καρτερὰ ἔργα,
ὀσάτιόν τε καὶ οἶον ἀπώλεσε λαὸν Ἀχαιῶν
μάψ, ἀτὰρ οὐ κατὰ κόσμον, ἐμοὶ δ' ἄχος; οἷ δὲ ἔκηλοι
τέρπονται Κύπρις τε καὶ ἀργυρότοξος Ἀπόλλων,
ἄφρονα τοῦτον ἀνέντες, ὃς οὐ τινα οἶδε θέμιστα. (5. 757-61)

Father Zeus, are you not angry at Ares for these powerful deeds, for killing so many and such an Achaean host to no end, contrary to due order, and so painfully to me? Yet Cypris and silver-bowed Apollo relax and enjoy letting this madman go, who does not know any *themis*.

Here, *themis* is marked as singular specifically within the context of a larger group of *themistes*: it is not the case that Ares does not know *themis* (that is, that he does not know what is 'right' or 'normal') but that he does not know any *themis* or *themis* at all (*τινα θέμιστα*). He is called madman (*ἄφρονα*) and his actions are random (*μάψ, οὐ κατὰ κόσμον*). A concrete meaning of the term seems unavoidable, and comparison with the regular plural usage of *themistes* sheds some light on the situation: in Book 4, Zeus conceded to Hera's yearning for the destruction of Troy (4.31-49), and it is not clear that Ares was present at that time to witness this decision.¹² From one perspective, Hera's accusations imply Ares' ignorance of Zeus' plans (*themistes*): when she describes his actions as *μάψ* and *οὐ κατὰ κόσμον*, one can argue that from the perspective that Troy is doomed to fall and that Zeus has determined as much, Ares does not

¹² At the start of the scene, the gods are sitting around Zeus in council (4.1-2), but only the presence of Hebe, Hera, and Athena is specified. When we next meet Ares, he is on the battlefield (4.439; 5.35; 5.354ff.). Cf. Muellner (1996: 35).

know any *themis*.¹³ Her complaint may very well have a specific context, and the *themis* of which Ares is ignorant may very well be Zeus’.

But while this interpretation succeeds in highlighting the ultimate futility of Ares’ actions vis-à-vis the fate of Troy, it nevertheless relies on assumptions that lie outside the text and on a specific but unsupported association of *themis* with Zeus’ decision in Book 4. For not only is Zeus’ decision not called a *themis* there, but as we will soon see,¹⁴ the gods have no capacity for delivering *themistes* in epic. Only once in Hesiod is divine knowledge of *themistes* suggested, and once in Homer are *themistes* attributed to Zeus.¹⁵ As such, although Hera’s denunciation of Ares suggests that the *themis* in question is objective (that is, that it denotes a particular decision) such a usage would be, essentially, unparalleled.

Indeed, other explanations of how Ares cannot know any *themis* are possible, and a more general reading of the situation provides one that is far preferable to reading outside the text. Instead of interpreting singular *themis* as the specific decision of Zeus concerning the fate of Troy, one can instead interpret it as a reflection of Ares’ status in the divine community. For whatever Ares does or does not know about Zeus’ plans, other passages in the *Iliad* suggest that the statement that Ares does not know any *themis* is roughly equivalent to the statement that Ares is at odds with the rules and norms of the divine community. For one thing, the phrase *μάψ, ἀτὰρ οὐ κατὰ κόσμον* (5.759) constitutes a formula used elsewhere of disorder within the specific context of the agora—it describes Thersites’ mode of speech (2.214) and the quarreling of the Atreidae before disembarking from Troy (*Od.* 3.138). Given

¹³ Cf. *Od.* 8.489, where Odysseus’ account of Demodocus’ song as *κατὰ κόσμον* indicates its accordance with reality: see Finkelberg (1998: 131-60). Muellner (1996: 6-7, 11, esp. n.17) captures nicely Ares’ lack of a *noös*.

¹⁴ See pp. 107-15 (*infra*).

¹⁵ See *Th.* 233-6; *Od.* 16.400-5.

the parallel uses of the phrase, one can see that vis-à-vis the other Olympians, the madman Ares is something of a loner.

Ares' marginal status amongst the gods is a recurring motif throughout the *Iliad*. While he regularly appears on the battlefield, he is out of place on Olympus to such an extent that reference to his presence there requires a naturalizing comment. For as Askalaphos is slain by Deïphobos, the narrator interrupts himself and turns his attention elsewhere:

οὐδ' ἄρα πῶ τι πέπυστο βριήπυος ὄβριμος Ἄρης
υἱὸς εἰοίο περόντος ἐνὶ κρατερῇ ὑσμίνῃ,
ἀλλ' ὅ γ' ἄρ' ἄκρω Ὀλύμπῳ ὑπὸ χρυσεόισι νέφεσσι
ἦστο, Διὸς βουλήσιν ἐελέμενος, ἔνθά περ ἄλλοι
ἀθάνατοι θεοὶ ἦσαν, ἐεργόμενοι πολέμοιο (13.521-5).

But huge and bellowing Ares had not yet learned of his son's demise in the force of battle; he was sitting on the peak of Olympus at that time, beneath golden clouds, held up by the plans of Zeus. And the other immortal gods were there too, restrained from the battle.

The passage is a fascinating example of how the Homeric narrator anticipates and preempts his audience's responses to the narrative; in consecutive syntactic units, the poet explains and grounds each previous point. Initially, Ares does not know Askalaphos is dead, which prompts the explicatory revelation that he is on Olympus hidden by clouds. His presence there, however, appears anomalous, for it prompts a further naturalizing comment: the poet anticipates the question of why Ares is on Olympus in the first place (and not in battle), and immediately explains that it was his fear of opposing Zeus' *boulai* that was restraining him.¹⁶ This comment, in turn, prompts a reminder of the larger context of Zeus' restraining *boulai*: several books prior, Zeus had forbidden all the gods from battle (8.5-27), and so, in fact, the narrator reiterates that Ares is joined on Olympus by the other gods as well. The brief passage achieves multiple narrative goals simultaneously: it sets up Ares' rash response to the news of

¹⁶ So Janko interprets (1992: *ad* 13.521-5).

his son's death, it indicates his presence on Olympus and marks it as anomalous, and it reminds the reader of the larger context of Zeus' prohibition. Of all of these points, however, the first one—that of the restraint of Ares—is most important: Ares is uncomfortable and out of place in the company of his own community, and his presence on Olympus is anomalous enough to warrant narrative naturalization.¹⁷

Having raised the topic of Ares' unusual role in the divine community, the subsequent narrative thematizes it. When Ares finally learns of Askalaphos' death two Books later, his first response is to disobey Zeus and head to the battlefield for immediate vengeance. Once again, his social maladjustment shines through: though he recognizes that vengeance might prompt the indignation of his fellows,¹⁸ any potential concern for the larger community is trumped by his personal vendetta. Ares functions within a larger divine community which he clearly recognizes, but his decision-making is random and at odds with any rational deliberation. Only when Athena restrains him do the larger consequences of his intentions have power over him, but even then, it is not so much the fact that opposing Zeus' will has grave consequences for the whole community but that Ares will only end up back on Olympus that curbs his anger. She scolds him as follows:

ἦ ἐθέλεις αὐτὸς μὲν ἀναπλήσας κακὰ πολλὰ
 ἄψ ἵμεν Οὐλυμπόνδε καὶ ἀχνύμενός περ ἀνάγκη,
 αὐτὰρ τοῖς ἄλλοισι κακὸν μέγα πᾶσι φυτεῦσαι; (15.132-4)

“Or do you want to come back to Olympus by force of necessity while you are in grief—having already taken on many misfortunes—and to produce for the rest of us some great hardship?”

The concerns of the group come as an afterthought: Ares heeds the warning since he recognizes that the punishment for his actions will involve his further imprisonment amongst

¹⁷ Griffin (1978: 8, esp. n.21) notes the effort in the *Iliad* to depict a unified divine community and cites Nilsson (1932: 221ff.) who argued that such unity was the creation of the poet.

¹⁸ He begins with the courteous request *μὴ νῦν μοι νεμεσήσεται*, *Ἰολύμπια δώματ' ἔχοντες* (15.113-8).

the divine community on Olympus.¹⁹ Athena’s rhetoric clearly recognizes the degree of his social discomfort: she both states that Ares will be brought back to Olympus by necessity (*ἀνάγκη*), and emphasizes the undesirability of this possibility by phrasing it within rhetorical question “or do you want to come back (*ἄψ*) to Olympus by force of necessity?” There is irony in her words: if Ares will not restrain himself out of concern for the community, he might do so out of concern for himself; the only thing more disagreeable to him than acting in the group’s interest is to have to be a part of the group. And so she succeeds in restraining him.²⁰ Ares belongs to the divine community, but as the patron deity of warfare he is continually at odds with its peaceful and orderly operation. He does not think or behave like the others, and if he is on Olympus, it is out of fear of Zeus or some other force of necessity.

Ares’ status as a social misfit is an image of how civilized societies participate in organized violence and bloodshed. Paradoxically, while communities—Homeric or otherwise—aim at peaceful and orderly organization (*themis*, one might say), conflict is nonetheless also an essential element of their operation.²¹ So it is with Ares: earlier in the poem, we are reminded of his paradoxical status amongst the gods. As Zeus puts it, Ares is *ἔχθριστος... θεῶν οἱ Ὀλυμπον ἔχουσιν* (5.890). Ares is on the one hand undoubtedly an Olympian, but on the other he is clearly a marginal figure within the divine society. The conflict and warfare he patronizes, while opposed to the norms of civilized interaction, nonetheless presuppose them and exist within their limits. For every social misfit presupposes a functioning and orderly society from which he is alienated. The rest of the poem supports

¹⁹ This is noted also by Muellner (1996: 7).

²⁰ Vos (1956: 13) considers Ares a barbarian, while Whitman (1958: 167-8) argues that he has a grotesque buffoonery and “is always defeated.” Later, he juxtaposes Ares to Athena, arguing that if the former represents defeat and misfortune (which make him hateful to the gods), the latter represents victory. But Athena too defies her father’s will without success (i.e. 8.374-80).

²¹ So the shield of Achilles depicts not only the city at peace, but also the city at war as part of its picture of the cosmos.

this idea: elsewhere in Homer only three other individuals are called ἔχθιστος, and in each case the term is similarly used. Amongst mortals, Agamemnon hotheadedly refers to Achilles in the midst of their quarrel as the most hateful of god-nourished kings (*Il.* 1.176), while Thersites is named the man most hateful to Achilles and Odysseus (*Il.* 2.220-1); of the gods, in turn, Agamemnon states that Hades is most hateful to men (*Il.* 9.159).²² The case of Hades is noteworthy both because he is marginalized from the divine community physically (that is, geographically) as well as socially, and because Agamemnon’s description of him as ἔχθιστος occurs as part of his proposal for the embassy to Achilles (who is equally hateful to him!) The common element uniting the examples is that of social strife, and particularly, the presence (implied or explicit) of Achilles. For Thersites takes up Achilles’ rhetoric in Book 2, and not only does Agamemnon hope that Achilles will—unlike Hades—yield to his offer, but Zeus’ description of Ares as ἔχθιστος also utilizes the same full-line formula as Agamemnon does Achilles: αἰεὶ γάρ τοι ἔρις τε φίλη πόλεμοί τε μάχαι τε (1.177=5.891).²³ Indeed, Achilles is a lot like Ares:²⁴ both are warriors whose unique gifts lie primarily in bloodshed, and both spend the majority of the epic at odds with their respective societies—Achilles by his voluntary withdrawal seeks losses on his own side to achieve his personal goals, and Ares threatens the entire divine community by seeking personal vengeance for Askalaphos and disobeying Zeus’

²² There is some irony in this last usage, inasmuch as Agamemnon is comparing Achilles to Hades: it is clear that for Agamemnon, Achilles gives rise to the sentiment of ἔχθιστος. But Achilles also refers to Hades in this sense: he famously states (though not in the superlative) that the man who says one thing but keeps another concealed in his heart is as ἐχθρός as the gates of Hades (9.312-3). Where Agamemnon describes Achilles as ἔχθιστος because he is a quarreling troublemaker, Achilles has a subtler notion of antisocial behavior. For him, disingenuousness in the agora, the place of societal order, is akin to Hades, where civilized society wholly ceases to exist. That Ares is accused of promising one thing in a public speech but of doing another (ἀγορεύων, 5.832-4) is in this sense interesting; by Achilles’ standards, he regularly does wrong by society.

²³ That it is specifically Thersites’ quarrelling (τῷ γὰρ νεικείεσκε, 2.220-1) that makes him ἔχθιστος echoes the sentiment.

²⁴ See also Lowenstam (1993: 70ff.) on this link.

orders. The commonalities run deeper: the death of a *philos* prompts a violent response from each.²⁵ Both are subject to the norms (*themis*) of an ordered society,²⁶ but both act in a way that is not fully consistent with that idea of *themis*: when Nestor argues in Book 9 that whoever desires strife amongst his companions is (amongst other things) *athemistos*,²⁷ his sentiment cuts to the heart of paradoxical place of conflict within a civilized society. And while this comparison does some injustice to the character of Achilles,²⁸ it is clear that an over-exuberant fondness for strife is a defining feature of the misfit.

When Hera complains, then, that Ares does not know *τινα θέμιστα*, there are two possible interpretations, only one of which really stands up to scrutiny. On the one hand, Ares' actions aim to diverge from the will of Zeus—whether considered as his specific decision concerning the fate of Troy (4.31-49) or his more general prohibition of divine participation in the battle (8.5-27)—and one reading accordingly associates the *themis* in question with that will. Indeed, Ares is ultimately prevented from transgression in both cases by Athena, who is regularly affiliated with Zeus' will.²⁹ At the same time, however, the more common abstract usage of *themis* in the singular is more appropriate: Ares is a social misfit who, though Olympian, is at best a disruptive element within the orderly interpersonal relationships of the divine community and at worst a pariah. He is a madman, the other gods do not like him, and

²⁵ Thalmann (1984: 45-6).

²⁶ See pp. 58-63 (*supra*), in which Ares' violence is contained under the auspices of *Themis*.

²⁷ ἀφρήτωρ ἀθέμιτος ἀνέστιος ἔστιν ἐκεῖνος, / ὄς πολέμου ἔραται ἐπιδημίου κρυόεντος (9.63-4).

²⁸ The paradox of Achilles is that, unlike Ares, he is capable of great concern for his allies even as the achievement of his personal goals requires them to suffer. Similarly, although battle and public speaking are the two kinds of action for Homeric individuals (*Il.* 9.440), Ares is good only at one, while Achilles (despite his claim that he is better in battle than in the agora—*Il.* 18.105) is more than competent in both. Before and after his wrath, he is fully capable of operating in accordance with the norms of his society.

²⁹ In Book 5, Zeus tells Hera to send Athena on him (5.765-6) and she acts through Diomedes, and in Book 15 it is she who disarms him and prevents him from avenging Askalaphos (15.119-41). Although also a patron of warfare, Athena is never marginalized in the same way as Ares. See Whitman (1958: 234-40).

the statement that he does not know any *themis* also reflects his marginal status in the divine community; he is subject to *themis*, but at the same time antagonistic towards it.

In both the hendiadys relating *themis* to the agora and the account of Ares' ignorance of any *themis*, interpretation requires attention both to the connotations of the plural *themistes* and to the more abstract idea of right conveyed by *themis* in the singular. Common to both usages is the idea of order at the socio-political level: where the agora is the realm of political order in which decisions and rules are made, Ares is—while subject to that idea of order—ill-suited to existence within it. Thematically, the suggestion is that the warfare he represents is an essential part of orderly society, but that it is also the sphere where the influence of *themis* is least felt. Yet the influence of *themis* is still felt: heralds can successfully intervene in the duel between Hektor and Aias because their scepters distinguish them from the armies' spearmen and mark them as non-combatant representatives of order (*Il.* 7.273-7). So too can Glaukos and Diomedes recognize an ancestral bond of *xenia*—a bond which is governed by *themis*—when they encounter one another on the battlefield (6.215ff.). In drawing simultaneously both on the implications of authoritative *themistes* and of abstract *themis*, the cases of the agora and Ares' knowledge of *themis* demonstrate the need to consider the variety of the term's implications and usages. Without the larger framework of order, the two cases and the complexity of their respective uses of *themis* remain opaque: only in terms of the common element of social order do their possible implications become clear.

ii. Themistes and the law

Unlike the abstract term *themis*, which conveys any number of norms or ideas about right, *themistes* are somewhat easier to pin down. They function primarily in the sphere of political and legal decision-making: *themistes* are concrete things—legal arguments, the verdicts of a judge, and (more generally) the decrees of a ruler in the archaic period. In verbal

form, *themisteuein* denotes the act of delivering these *themistes*.³⁰ Where *themis* is an abstract principle, *themistes* are the property of particular individuals and their application is therefore strictly regulated: few figures have the authority to deliver them. And although they are wholly bound up with individuals' authority, *themistes* are not without wider significance: they also have a peculiar connection to scepters and some basis in the divine. There is even an element of the universal in play: *themistes* appear divine in origin and hint that mortal forms of authority are grounded in divine ones. But while particular *themistes* claim a connection to the abstract idea of *themis* as norm or right, the two are, paradoxically, not exactly equivalent. In the hands of mortal figures of authority, *themistes* are neither themselves divine nor necessarily consistent with abstract *themis*.

The contexts in which *themistes* appear are primarily legal: *themistes* commonly denote both the cases presented to figures of authority and the judgments or verdicts of those figures.³¹ The former usage appears at an early point in Hesiod: in describing the *basileus* whom the Muses favor, he paints a picture both of the individual and of the force of his verdict.

οἱ δέ τε λαοὶ
 πάντες ἐς αὐτὸν ὀρώσι διακρίνοντα θέμιστας
 ἰθείησι δίκησιν· ὃ δ' ἀσφαλῶς ἀγορεύων
 αἰψά τε καὶ μέγα νεῖκος ἐπισταμένως κατέπαυεν. (Th. 84-7)

And the people all look to him as he decides the cases (*themistes*) with straight decisions (*dikai*). And when he publicly delivers his verdict with certainty, he quickly and deftly resolves even a great dispute.

³⁰ Given the similar connection to particular individuals' authority, I will treat *themisteuein* alongside *themistes* in this section, even though a father's authority is in no way political (until Aristotle, at least). As we will see, in the case of the Cyclops, this leads to interesting insights.

³¹ Van Wees' (1992: 34, n. 44) translation of *themistes* as 'law-sessions' is appropriate, but overlooks how *themistes* describe both the claimants' arguments and the judges' verdicts.

The *themistes* in this passage are the various arguments presented to the *basileus* for consideration (*διακρίνοντα*). He listens to these arguments, deliberates, and delivers his verdict in a public speech (*ἀγορεύων*). The context is public and legal, which is marked all the more strongly by the fact that the mechanics of adjudication are idealized; as was noted, the description appears at the end of Hesiod's account of the Muses, and the subject here is their influence on kingship. The *basileus* whom the Muses favor delivers verdicts with upright *dikê* and is a figure of public esteem.³²

Real legal deliberation, however, does not always run so smoothly. In the *Works & Days*, the poet inverts the *Theogony*'s idealized account of legal machinery, and laments that same legal process. The sole correspondence in the two passages is the fact that in both, an adjudicating body considers the cases (specified as *themistes*) presented before it.

αὐτίκα γὰρ τρέχει Ὀρκος ἅμα σκολιῆσι δίκῃσιν,
 τῆς δὲ Δίκης ῥόθος ἐλκομένης ἧ κ' ἄνδρες ἄγωσι
 δωροφάγοι, σκολιῆς δὲ δίκης κρίνωσι θέμιστας·
 ἧ δ' ἔπεται κλαίουσα πόλιν καὶ ἦθεα λαῶν,
 ἡέρα ἐσσαμένη, κακὸν ἀνθρώποισι φέρουσα,
 οἳ τέ μιν ἐξελάωσι καὶ οὐκ ἰθείαν ἔνειμαν. (*Op.* 219-24)

For immediately Oath runs alongside the crooked verdicts, and a clamor arises when *Dikê* has been dragged off to the place where bribe-devouring men drive her and distinguish between the precedents with crooked *dikai*. And she attends to the *polis* and its inhabitants' manners lamenting, clad in mist, bringing misfortunes to those people who drive her out and who do not distribute her correctly.

³² The esteem is implied in the comment that the people look to the *basileus* (*ἐς αὐτὸν ὀρώσι*): West (1966: *ad* 84) compares *Od.* 8.170-3, where the figure who similarly speaks well (*ἀσφαλῆως ἀγορεύει*) also receives public esteem. Implied in the *Works & Days* passage, however, is a further element: in the motif of public esteem, the speaker is regularly regarded as a god (i.e. *θεὸν ὡς εἰσορόωσιν* *Od.* 8.173), and other passages involving the phrase *θεὸν ὡς* are regularly accompanied by forms of *τίω* (*Il.* 9.302-3; 11.60), *τιμάω* (*Il.* 9.155=297; *Od.* 5.36; 19.280; 23.339), *δέχομαι* (*Il.* 22.434-5), or *ἰλάσσομαι* (*Th.* 91). The same motif is latent in Hesiod: since the Muses favor the *basileus*, it is easy to see how he can, in turn, be viewed as a god.

The passage is a remarkable reversal: the idealized *basileus* of the *Theogony* is transformed in the *Works & Days* into a bribe-devouring body of rulers (*δωροφάγοι*). Instead of dispensing judgments that come out with straight *dikê* (and in accordance with the Muses' divine favor), they pronounce judgments with crooked *dikê* (*κυκολιῆς δὲ δίκης κρίνωσι θέμιστας*), an image which Hesiod supplements in depicting the oppression (*ἐλκομένης, ἐξελάσσει*) and vengeful reaction (*κακὸν ἀνθρώποισι φέρουσα*) of personified *Dikê*. Furthermore, the esteem in which the idealized *basileus* was held in the *Theogony* has been replaced by public disapproval (*ῥόθος*) at the judges' unjust actions.³³ The scene inverts the idealized workings of justice of the *Theogony*. Yet even though the operation of legal machinery in the two passages is diametrically opposed, the machinery itself is consistent: in both passages, the *themistes* are the precedents adduced before an adjudicator or adjudicating body, and they appear somehow distinct from the decisions (*dikai*) produced in response, which can be straight or crooked.³⁴

The two above examples, however, by no means comprise the total semantic range of *themistes* in legal contexts: while one can posit a distinction between *themistes* and *dikai* as case/argument and decision/verdict, other passages suggest that *themistes* do not always refer simply to the arguments brought before an adjudicator. In fact, *themistes* can also be largely indistinguishable from *dikai* as decisions or verdicts. One can see this sense of *themistes* as verdicts elsewhere in Hesiod: in the *prooemium* to the *Works & Days*, the poet appeals to Zeus and asks him to straighten verdicts:

κλυθι ἰδὼν αἰῶν τε, δίκη δ' ἴθυνε θέμιστας
 τύνη· (Op. 9-10)

Looking on and perceiving do listen, and straighten verdicts with *dike*.

³³ West (1978: ad 220) notes that the *ῥόθος* is public protest, not the clamor of *Dikê* herself.

³⁴ For crooked *dikê*, see Op. 219; 221; 250; 262; 264.

Given the autobiographical façade of the *Works & Days*, the context of the *prooemium* is admittedly somewhat personal.³⁵ Nevertheless, the imperative that Zeus straighten *themistes* with *dikê* is equivalent to a more general request for verdicts (*themistes*) whose contents are correct or ‘straight’ *dikai* (as described at *Th.* 84-7). The *themistes* are, by default, straight,³⁶ but can be corrupted, and here cannot refer to anything but the verdicts of human judges whose integrity (as the *Works & Days* makes obvious) is in question.³⁷ But if the term *themistes* can denote both arguments and verdicts, a certain amount of semantic overlap is created: the difference between the two senses of *themistes*, not to mention that of *themistes* and *dikai* as verdicts is a little less clear than it initially seemed.

With a little interpretative massaging, the problems in the semantic overlap dissipate. For inasmuch as a judge’s verdict in the cited examples involves choosing between the *themistes* argued before him, his decision is essentially equivalent to one of them. His task, as Martin West describes, is one of choosing between options:³⁸

Parties to a dispute would come before the βασιλεύς and state their case, and he would settle the dispute...by pronouncing a legally binding decision (θέμις). διακρίνειν θέμιστας is thus to decide between opposing claims and between the possible θέμιστες that would uphold the one or the other. The decision may consist of consist either of straight or of crooked δίκαι.³⁹

West sums up well how the *themistes* form the body of legal precedent concerning which claimants argue, and from which a judicial body draws in making its deliberation. The crucial

³⁵ So West (1978: *ad* 9). On the specific nature of the dispute, see Edwards (2004: 38-44).

³⁶ Only at *Il.* 16.387 are *themistes* crooked; Hesiod modifies the phrase at *Op.* 221 to apply it to *dikê* instead.

³⁷ So Verdenius (1985: *ad loc.*) argues that the judgments in question are not those of Zeus (which need not be straightened), but those of mortals. The scholiast concurs: on this line he comments “That is, you judge the judgments according to all *dikê*, perceiving and hearing all mortals and their actions” (τουτέστι κατὰ δίκην πάσαν ἐν τὰς κρίσεις κρίνε, πάντα ὁρῶν τὰ πράγματα τὰ ἀνθρώπινα καὶ πάντων ἀκούων 9f1). That their integrity is in question is apparent from the previously cited passage (*Op.* 219-24).

³⁸ Forms of *κρίνω* or a compound of *κρίνω* are regular in these accounts: see *Il.* 16.387; *Th.* 85; *Op.* 221.

³⁹ West (1966: *ad* 85-6). It has been suggested that the role of the ἕκτωρ in the quarrel scene of Achilles’ shield is to choose which of the *gerontes* has spoken the straightest *dikê* (*Il.* 18.497-508).

difference is that, even though the verdict is essentially equivalent to one of the *themistes* presented in court, that verdict is nonetheless distinct: of the various arguments presented by individuals in a legal setting, only the judicial body has the authority to deliver a decisive verdict. The crucial difference between *themistes* as verdicts and *themistes* as arguments is the fact that the former are delivered with *dikai* (whether straight or crooked). As West points out, these *dikai* are best understood in this context as the contents (or results) of the verdicts as opposed to the verdicts themselves.⁴⁰ The presence of *dikê* in the verdicts, then, distinguishes them from the individual claimants' arguments: the *themistes* of adjudicators—whether of an individual *basileus* or a judicial body—are qualitatively different from those of the claimants, even though both are utilizing the same body of precedent in arguing and adjudicating the case. For this reason, *themistes* are (by default) straight: because they invoke precedent, they have some recognized basis as societal norms. Judges, however, do not always decide in favor of whichever of the *themistes* is the most appropriate precedent, and hence their verdict can constitute straight or crooked *dikê*. In this light, the semantic confusion between *themistes* and *dikê* is quite reasonable; since *dikai* are essential to verdicts (as their contents) they are nearly identical to the concept of a verdict that contains them.⁴¹ The two kinds of *themistes* are distinguished only inasmuch as figures of an appropriate social standing are capable of pronouncing them authoritatively with *dikê* in the form of a verdict.

⁴⁰ See Bonner and Smith (1930: 10). Elsewhere, West (1966: *ad* 85-6), refers to Palmer in connecting *dikê* with boundary stones. On this basis, he posits that straight *dikai* referred to “fair demarcation” while the removal of stones led to crooked *dikai*. This conjecture outlines how *dikai* might plausibly be considered the contents of *themistes*. Cf. Verdenius (1985: *ad* 9) who argues that the sense of *dikê* must be instrumental.

⁴¹ As my hesitation shows, I am not entirely satisfied by the distinction between a verdict and its contents, inasmuch as the pronouncement of a verdict is essentially a performative speech-act indistinguishable from its contents. Nevertheless, as I will show momentarily, there is a sense in which the verdict possesses a unique authority, different from the arguments or cases to which it responds, that can be described as *dikê*.

That the distinction between *themistes* as precedents and *themistes* as verdicts hinges on the presence of *dikê* points to a further crucial element of *themistes*' potency; only individuals in a position of authority (that is, with the power to make decisions involving *dikê*) have the capacity to deliver significant *themistes*.⁴² This capacity or authority, which is recognized by the pertinent society, empowers their *themistes* and distinguishes them from the arguments of non-authoritative figures. The *themistes* pronounced by these figures of authority, however, need not be exclusively legal: while the presence of *dikê* distinguishes between *themistes* as legal arguments and *themistes* as verdicts, inasmuch as *themistes* are the property of a figure of authority their range is potentially quite broad. Consider the epic evidence for the non-legal usage of *themistes* manifested in *basileis*' capacity for other authoritative decisions or judgments above and beyond verdicts. In the Embassy of *Iliad* 9, for example, Agamemnon offers Achilles seven *poleis* that he specifies will carry out Achilles' *themistes* (λιπαράς τελέουσι θέμιστας, 9.156=298). Presumably, these *themistes* include verdicts, but the generality of the reference prohibits restricting their contents:⁴³ a *basileus*' public business must go beyond strictly legal matters, and the term no doubt refers more generally to Achilles' day-to-day instructions. Indeed, the wider application of the term *themistes* appears essential to the *basileus*' authority: in the same Book, Nestor reminds Agamemnon that he has authority

⁴² Hölkeskamp (2002: 314ff.) also treats the *agora* and collective concerns, and his discussion notes the importance of public presentation and the need for consensus.

⁴³ This statement has puzzled interpreters: why are the *themistes* called λιπαράς? Cf. *Th.* 900, where personified *Themis* is similarly called λιπαρήν. The purported Mycenaean basis for the usage as involving tribute raised by Nilsson (1957: 207); Ruipérez (1957: 186, n. 1); and Ventris-Chadwick (1959: 168) is now untenable. It is possible that the application of the adjective to personified *Themis* is formulaic—denoting the goddess' oiled hair [see Janko (1992: ad 14.175-7)]—and that the plural usage reflects the modification of the formula, but I am unconvinced. I believe it is more likely that the adjective assumes that Achilles' *themistes* will be good, and that the *poleis* will accordingly flourish: cf. the account of prosperity under the idealized ruler at *Od.* 19.107ff.

οὐνεκα πολλῶν
λαῶν ἔσσι ἄναξ καί τοι Ζεὺς ἐγγυάλιξε
κῆπτρόν τ' ἠδὲ θέμιστας, ἵνά σφισι βουλευῆσθα. (9.97-9)

because you are lord of many people and because Zeus has entrusted the
scepter and *themistes* to you, so that you might devise *boulai* for them.⁴⁴

A ruler does not simply respond to *themistes* in a legal setting, but in his own right has a authority over *themistes* which is the basis for his decision-making ability (ἵνά σφισι βουλευῆσθα).⁴⁵ This capacity for delivering *themistes* is not restricted to legal contexts. Both passages suggest that *themistes* are the unique possession of *basileis* and describe the whole of his decision-making abilities.⁴⁶

c. *Themistes* and Authority

i. *Themistes* and scepters

Epic imagery reinforces the centrality of *themistes* in the larger sphere of authority in the archaic world. *Themistes* are regularly paired with the scepter—the standard icon for an individual's authority⁴⁷—and denote individuals whose marked social position warrants respect. However, investigation of the connections between authority, *themistes* and the scepter, reveals a number of irregularities. While rulers have a unique authority over *themistes*, they are not the only individuals who wield scepters in epic, nor does their possession of a scepter always guarantee that they will utilize their capacity for delivering *themistes* correctly. So, despite the fact that rulers, scepters, authority, *themistes* and the gods all appear to have a clearly defined relationship to one another, a synoptic examination of the epic evidence

⁴⁴ See also 2.206, which is absent in many manuscripts (or contains the unmetrical *βασιλεύη* or *βασιλεύση*), and should be omitted. See West (2001: 175), and Leaf (1900: *ad loc.*); cf. Kirk (1985: *ad loc.*), who briefly offers arguments for its retention.

⁴⁵ Ehrenberg (1921: 4).

⁴⁶ In fact, just as the *themistes* are the property solely of *basileis*, those *basileis* are always mortal and never divine. See Carlier (1984: 143).

⁴⁷ The pairing of the two has long been noted. See Ehrenberg (1921: 4-5); Glotz (1988: 48); Raaflaub (1998: 196); Janik (2003: 51).

reveals not one single pattern, but rather a web of possible connections and interactions in the thematization of the mortal *basileus*. Scepters do not always accompany a ruler or the proper pronouncement of *themistes*, and similarly, while the gods guarantee the respect afforded to wielders of the scepter and figures of authority, the individuals themselves are fallible. As we will see in the case of Agamemnon, human authority has a basis in the divine that is symbolized by the scepter, but there is a sharp difference between the limitations of a human individual, the authority he wields by virtue of his social position, and the basis of that authority. In the thematization of mortal authority one expects to find divine support, a capacity for *themistes*, and the presence of a scepter, but by manipulating these associated ideas, the poet can add nuance to a variety of situations.

Scepters typically accompany reference to *themistes*: we have already seen how Nestor reminds Agamemnon that Zeus had entrusted the scepter and *themistes* to him (*Il.* 9.97-9), but the same pairing of the scepter and *themistes* appears elsewhere. Odysseus sees Minos in the underworld wielding a scepter and delivering *themistes*,⁴⁸ and when Achilles vows that Agamemnon will rue his withdrawal from battle, he does so with a lengthy description of the scepter on which he swears:

ἀλλ' ἔκ τοι ἐρέω, καὶ ἐπὶ μέγαν ὄρκον ὁμοῦμαι—
 ναὶ μὰ τόδε κήπτρον· τὸ μὲν οὐ ποτε φύλλα καὶ ὄζου
 φύσει, ἐπεὶ δὴ πρῶτα τομῆν ἐν ὄρεσσι λέλοιπεν,
 οὐδ' ἀναθηλήσει· περὶ γάρ ῥά ἐ χαλκὸς ἔλεψεν
 φύλλά τε καὶ φλοιόν· νῦν αὐτέ μιν νῖες Ἀχαιῶν
 ἐν παλάμῃς φορέουσι δικασπόλοι, οἳ τε θέμιστας
 πρὸς Διὸς εἰρύαται· ὃ δέ τοι μέγας ἔσσειται ὄρκος— (1.233-9)

But I will declare and swear a great oath, by this very scepter. For it will not produce root or foliage ever again, since it has left its stump in the hills, and will not give bloom again. For the bronze has stripped off its leaves and bark.

⁴⁸ ἔνθ' ἧ τοι Μίνονα ἴδον, Διὸς ἀγλαὸν υἱόν, / χρύσειον κήπτρον ἔχοντα θεμιστεύοντα νέκυσιν (*Od.* 11.568-9). I will discuss the implications of the verb *themisteuein* (pp. 115-20, *infra*).

And now the judgment-giving sons of the Achaeans who guard the *themistes* under the protection of Zeus carry it in hand. And it will be a great oath...

The scepter and *themistes* function as a pair of accessories symbolizing authority: authority has a physical manifestation (the scepter) and is demonstrated in the individual's executive capacity (for *themistes*).⁴⁹ This capacity defies categorization: the glimpse of Minos in the underworld and Achilles' reference to the *δικασπόλοι* suggest a legal context, but Nestor's reminder to Agamemnon indicates that the authority represented by the *themistes* and the scepter is also more broadly social or political.⁵⁰ The distinctions are moot: according to Nestor's account, *themistes* are simply the basis for larger plans.⁵¹

So established is the pairing of the scepter and *themistes* that they nearly constitute a hendiadys, and when one of the two elements is missing, the presence of the other can nonetheless be suggested. Though neither passage contains any references to *themistes*, when the poet describes how the judges on Achilles' shield wield scepters as they pronounce opinions (18.505-6), or calls the assembled Phaeacian leaders *κηπτοῦχοι* (8.41, 47), he nonetheless implies a capacity for delivering *themistes*. We have seen *themistes* in these contexts before: just as the judges on the shield offer legal opinions (*ἀμοιβηδὶς δ' ἐδίκαζον* 18.506), so too does Alkinoös recognize twelve other *basileis* who consult with him and who contribute to the *xenêia* for Odysseus (8.387-97).⁵² The image of the scepter is pregnant: by

⁴⁹ In Finley's formulation, the scepter is "the mark of *themis*, of orderly procedure" (1977: 112). Note that the *themistes* are not Zeus': *πρός* denotes that the *δικασπόλοι* are under his protection (cf. *Od.* 6.207; 14.57); "the *themistes* are not Zeus's personal property, or even his creation, though he keeps an eye on them, or, more correctly, on their proper protection by the *dikaspōloi*" (Havelock [1978: 351, n. 6]). I will discuss the gods' relation to *themistes* on pp. 107-15 (*infra*).

⁵⁰ See Donlan (1982: 153-4, 161ff.); (1985).

⁵¹ Hirzel (1907: 18-21) understands *themistes* as close to or equivalent to *boulai*.

⁵² When Alkinoös urges further gifts for Odysseus, he calls these leaders *βουλευφόροι* (13.12). As Nestor's suggestion (*Il.* 9.99) implies, a grasp of *themistes* is essential to the formation of *boulai*. See also Carlier (1984: 145ff.) and Olson (1995: 186) on the relation of the elders to Alkinoös.

allocating a scepter to an individual or group of individuals, the poet can also imply an executive capacity or license for *themistes*.

The pairing of scepter and *themistes* is so established, however, that it can also be used as a poetic foil by means of which the poet can disappoint the expectation that a scepter-wielding individual will deliver authoritative *themistes*. As such, when Agamemnon suggests in the midst of the Trojan resurgence that the Achaeans take to the ships (14.75-81), Odysseus rebukes his idea as unbefitting a scepter-bearing king.

Ἄτρείδη, ποιόν σε ἔπος φύγεν ἕρκος ὀδόντων;
οὐλόμεν', αἶθ' ὠφελλες ἀεικελίου στρατοῦ ἄλλου
σημαίνειν, μηδ' ἄμμιν ἀνασκέμεν, οἷσιν ἄρα Ζεὺς
ἐκ νεότητος ἔδωκε καὶ ἐς γῆρας τολυπέειν
ἀργαλέους πολέμους, ὄφρα φθιόμεθα ἕκαστος.
οὔτω δὴ μέμονας Τρώων πόλιν εὐρύαγυιαν
καλλείψειν, ἧς εἶνεκ' οἰζύομεν κακὰ πολλὰ;
εἴγα, μή τίς τ' ἄλλος Ἀχαιῶν τοῦτου ἀκούσῃ
μῦθον, ὃν οὔ κεν ἀνὴρ γε διὰ στόμα πάμπαν ἄγοιτο,
ὅς τις ἐπίσταιτο ἧσι φρεσὶν ἄρτια βάζειν
σκηπτοῦχος τ' εἴη, καὶ οἱ πειθοίατο λαοὶ
τοσσοῖδ' ὅσσοισιν σὺ μετ' Ἀργείοισιν ἀνάσσεις (14.83-94).

Son of Atreus, what sort of word has escaped your mouth? Devastator! Would that you had authority over some other worthless army and were not our commander—men to whom Zeus has granted from youth to old age to toil at painful wars until we are each dead. Do you really want to abandon the broad-pathed city of the Trojans, for whose sake we have suffered many misfortunes? Be silent, lest some other Achaean hear this directive, one which no real man who knew in his heart how to speak properly, who bore the scepter and on whom the people relied—in such numbers as you now lord over the Argives—would let slip from his mouth.

The speech is a remarkable blend of contempt and disbelief. Odysseus begins by wishing outright for a better leader, but then increasingly masks this sentiment. Within the space of a few lines, he shifts from reprimanding Agamemnon's leadership to taking a subtler approach, stating that his *muthos* is one which no man in his position—that is, no man who wields a scepter and in whom the people trust—would ever utter. Odysseus is attempting to juggle two

distinct rhetorical goals: on the one hand, he must protest against the folly of Agamemnon's plan forcefully enough to be taken seriously, but at the same time, he must not run the risk of excessively humiliating or provoking his commander and friend.⁵³ Odysseus handles the situation tactfully: while his tone is unmistakably critical throughout, he limits the range of his rebuke to the four individuals who witness it (14.90ff.).⁵⁴ By expressing fear that someone else might hear Agamemnon make this suggestion, Odysseus postures as though he were attempting to save face for his friend, even as he harshly criticizes him. Given the implication that only the common, cowardly soldier would prefer flight to battle, the message is still clear: Agamemnon's leadership is faulty, and his plan will lead to ruin: ἔνθά κε κῆ βουλή δηλήσεται, ὄρχαμε λαῶν (14.102). He wields the scepter of authority, but his decision-making does not befit a man of his position.

The contrast between Agamemnon's scepter and his capacity for *themistes* recurs throughout the *Iliad*. Odysseus' criticism in Book 14 is not the only time that Agamemnon's decision-making is called into question; for example, the seizure of Briseïs in *Iliad* 1 is precisely the kind of selfish decision that Hesiod would attribute to the *δωροφάγοι* who produce *themistes* with crooked *dikê*.⁵⁵ Indeed, Achilles seems to interpret it as such: after accusing Agamemnon of greed, he delivers the aforementioned oath on the scepter which, inasmuch as it invokes *δικασπόλοι* who wield the scepter and guard *themistes*, is a thinly-veiled jab at

⁵³ One thinks back to Book 1, when Nestor restrains Achilles by arguing that Agamemnon, as a sceptered king, has greater *timê* and *kudos* from Zeus (μήτε κὺ Πηλείδῃ θελ' ἐριζέμεναι βασιλῆϊ / ἀντιβίην, ἐπεὶ οὐ ποθ' ὁμοίης ἔμμορε τιμῆς / κηπτοῦχος βασιλεύς, ᾧ τε Ζεὺς κῦδος ἔδωκεν, 1.277-9).

⁵⁴ The presence of these four participants is specified at 14.27-9. Cf. Haft (1990), who analyzes the relationship between Odysseus and Agamemnon at greater length.

⁵⁵ Agamemnon's actions not only recall Hesiod's *dôrophagoi*, but also Penelope's complaint at concerning the typically arbitrary actions of *basileis* (*Od.* 690-2).

Agamemnon, whom Achilles, by contrast, suggests does not guard but abuses them.⁵⁶ That Achilles concludes his oath by emphatically casting the scepter to the ground (2.245-6) all too clearly reveals his opinions on the social order headed by Agamemnon from which he is knowingly distancing himself.⁵⁷ As an image of social order, the scepter remains sufficient for the purposes of swearing an oath, even as (paradoxically) Achilles' oath and handling of the scepter indicate his withdrawal from that order.

Agamemnon is similarly clumsy elsewhere: though promised victory by Zeus' dream in Book 2, he nonetheless undertakes the Diapira of the troops on the grounds that it is *themis* to do so (2.73),⁵⁸ though the result—the test nearly leads to total disaster—belies this claim. Despite his position of authority, Agamemnon does not have a good sense of what is *themis*, and his *themistes* are regularly left wanting as a result: he similarly has to be reminded by Diomedes in Book 9 that dissent is *themis* in the context of the agora.⁵⁹ Odysseus' rebuke is part of a pattern: these three instances—the botched Diapira, Diomedes' reminder, and Odysseus' rebuke—are all in response to or accompanied by Agamemnon's suggestion that the Achaeans abandon Troy.⁶⁰ Agamemnon has a propensity for defeatism,⁶¹ it seems, and it is via this defeatism that his hold on the *themistes* appears weak. The suggestions of flight prompt

⁵⁶ The protest at 1.122-6 is valid: Agamemnon cannot be immediately compensated for the loss of Chryseis since there is no public store of booty. Remunerating himself will fulfill a personal desire, but will have the side-effect of depriving someone else and creating a public imbalance.

⁵⁷ Griffin (1980: 11-2) argues that the scepter “is to be held by those who administer justice: [Achilles] is suffering injustice,” and elsewhere notes how Agamemnon's failure in the first two Books recalls his disdain for Chryses' scepter at 1.26-32 (1982: 132-3). So too does Telemachos emphatically cast the scepter to the ground after complaining to the suitors about their behavior. Throwing down the scepter is seemingly a means of protesting against socially unacceptable behavior, though Telemachos (like Achilles) is powerless to do anything further to alter the state of affairs. Cf. Griffin (1986: 52); Easterling (1989: 113). Kirk (1985: *ad* 1.234-5) notes the scepter's role in the assembly. I will discuss *themis*' affiliation with assemblies above.

⁵⁸ See the previous discussion (pp. 35-43, *supra*).

⁵⁹ I will discuss the Diapira and Diomedes' reminder in due course.

⁶⁰ Easterling (1989: 111) discusses these three moments in consort as well.

⁶¹ Cf. Reinhardt (1961: 107ff.) on the theme of the return more generally.

responses that respectively rebuke (Odysseus) or correct (Diomedes) Agamemnon's *themistes* or sense of *themis*, or even altogether contradict (the Diapira) Agamemnon's claims to *themis*. While others occasionally attribute the possession of *themistes* to him,⁶² he does not demonstrate much of a capacity for understanding or delivering them to any positive effect. If, as Nestor suggests (9.97-9), the *themistes* are the basis for a ruler's *boulai* and decision-making abilities, Agamemnon cuts a disappointing figure.

It is the great paradox of the *Iliad* and Homeric society that Agamemnon remains the figure of supreme authority in the Achaean army despite his shortcomings in council and—as is drawn out primarily in Achilles' complaints⁶³—on the battlefield. But where Agamemnon's capacity for *themistes* is regularly called into question, the poet nonetheless draws attention to the other symbolic aspect of Agamemnon's authority—the scepter. In contrast to his executive shortcomings, the material representation of his status is unparalleled in stature. Consider the *ekphrasis* on his ancestral scepter, the length of which emphasizes not only its importance, but thereby also the character of Agamemnon's rule.

ἀνὰ δὲ κρείων Ἀγαμέμνων
 ἔστη κῆπτρον ἔχων· τὸ μὲν Ἥφαιστος κάμε τεύχων·
 Ἥφαιστος μὲν δῶκε Διὶ Κρονίῳ ἀνακτι,
 αὐτὰρ ἄρα Ζεὺς δῶκε διακτόρῳ Ἀργειφόντῃ,
 Ἑρμείας δὲ ἀναξ δῶκεν Πέλοπι πληξίππῳ,
 αὐτὰρ ὁ αὖτε Πέλοψ δῶκε Ἀτρείϊ ποιμένι λαῶν·
 Ἀτρεὺς δὲ θυήσκων ἔλιπε πολύαρμι Θυέστῃ,
 αὐτὰρ ὁ αὖτε Θυέστ' Ἀγαμέμνονι λείπε φορῆναι,
 πολλῆσι νῆσοισι καὶ Ἄργεϊ παντὶ ἀνάσσειν. (2.100-8)

Mighty Agamemnon stood up holding the scepter Hephaistos had crafted with toil. Hephaistos gave it to lord Zeus son of Kronos, and Zeus gave it to the Argos-slaying messenger Hermes. And Hermes gave it to Pelops driver of horses, and he gave it to Atreus the shepherd of the people. And on his death Atreus gave it to Thyestes of many flocks, and he in turn left it for Agamemnon to wield, to lord over many islands and all of Argos.

⁶² So Nestor reminds Agamemnon at 9.98-9 (2.205-6 is not genuine—see p. 92, n. 44, *supra*).

⁶³ See 1.149ff., 9.315ff.

While the narrator casually mentions the scepter as an accessory of various officers, the reference to Agamemnon's scepter is augmented by a lengthy account of its genealogy.⁶⁴ Agamemnon's authority can be traced back through the generations all the way to Zeus, and it is manifested primarily by the elaborate scepter he wields.⁶⁵ The description, however, is somewhat ironic:⁶⁶ it occurs just prior to the botched *Diapira* in Book 2, where, although he expects victory, Agamemnon nonetheless suggests flight to the army (2.110-41). The image of splendid, authoritative and ancestral kingship is wholly at odds with what immediately follows. While the scepter—like Agamemnon's claim that the test is *themis* (2.73)—underlies his claim to authority and decision-making prowess, it is undermined both by his defeatism and its chaotic results. The *Diapira* results in turmoil.

The inconcinnity between Agamemnon's splendid scepter and his deficient decision-making recurs in the aftermath of the botched *Diapira*. As the troops scramble for the ships, it falls to Odysseus to clean up the mess that Agamemnon has created. The means by which he restores order, however, is noteworthy: paradoxically, he can only compel the common troops' obedience by means of violence—by wielding that same scepter whose elaborate introduction preceded all the turmoil in the first place, and which ought to represent good order!⁶⁷ The scepter frames the episode and works to caricature Agamemnon's authority and

⁶⁴ Griffin (1980: 9ff.). Lowenstam (1993: 64, n. 11) also discusses the scepter as an icon of traditional king.

⁶⁵ So Grethlein (2008: 36) comments as follows: "The sceptre further illustrates that the relation between object and owner is reciprocal. Previous owners have lent the sceptre significance, which, in turn, it bestows on its present owner, who relies on the sceptre's authority when he is speaking." In his estimation, the scepter is part of the epic discourse of making the past superior to the present.

⁶⁶ This is discussed at length as well by Grethlein (2008: 40-1), and is also important in Schmidt's discussion of Agamemnon's shortcomings (2002: 4ff.).

⁶⁷ Odysseus takes the scepter from Agamemnon's herald Eurybates, where it is described as *πατρώϊον ἄφθιτον* (2.186). This can only be the same scepter, made by Hephaistos, which Agamemnon held in his speech. He wields it with violence against the common soldiers (2.198-9) and Thersites in particular (2.265-6).

his fitness as a leader: the introduction of the scepter initially raises not only the specter of royal authority but, thereby, also the expectation of some accompanying and effective *themistes*. Instead, Agamemnon preaches defeatism and chaos ensues, and there is a telling symmetry in that it falls to Odysseus to utilize the scepter—the very image of Agamemnon’s authority—to restore order, just as later in Book 14 he will openly criticize Agamemnon’s suggestion of flight as unbecoming a scepter-wielding ruler. The expectations raised by the scepter are ironically disappointed: as an image of authority it aims to describe the rule of Agamemnon, but the length afforded to its description, in conjunction with its bearer’s faulty decision-making and its subsequent remedial application, serves to assert not the wisdom and stability of that rule, but rather the relative emptiness of its ancestral and material basis. Agamemnon has a shiny scepter, but that is the extent of his rule and authority. He does not make for a wise *basileus* because he lacks a sound command of the *themistes* and *boulê* afforded to and required by his position.

Despite his personal shortcomings, however, Agamemnon’s position as the undisputed ruler of the Achaean army remains stable. For even as Odysseus restores order following the botched Diapira,⁶⁸ he can positively support a single figure of authority:

οὐ μέν πως πάντες βασιλεύομεν ἐνθάδ’ Ἀχαιοί·
οὐκ ἀγαθὴ πολυκοιρανίη· εἷς κοίρανος ἔστω,
εἷς βασιλεύς, ᾧ δῶκε Κρόνου πάϊς ἀγκυλομήτεω
{κῆπτρόν τ’ ἠδὲ θέμιστας ἵνά σφι βουλεύησιν.} (2.203-6)⁶⁹

There is no way all of us Achaeans will be rulers; it’s not a good thing for many to have authority. Let there be one ruler, one *basileus*, to whom the son of wily Kronos has granted it {the scepter and *themistes* so that he might make the decisions for them}.

⁶⁸ McGlew (1980: 284) argues that, as a calculated deception, the Diapira does not actually fail. As my arguments here (and elsewhere—see pp. 35-43, *supra*) show, however, the fact that order is restored and Zeus’ plan fulfilled does not permit a positive view of Agamemnon’s leadership.

⁶⁹ On 2.206, see p. 92, n. 44 (*supra*).

While we have already seen the extent to which scepter and *themistes* form a kind of hendiadys, Odysseus' comments are noteworthy inasmuch as they specify a foundation for Agamemnon's authority in the divine. Much the same foundation is implied in the genealogy of Agamemnon's scepter, which goes back to Hephaistos himself (2.100-8). The point is that although the capacity for delivering *themistes* or wielding a scepter is exclusively a mortal one, an individual's authority and access to *themistes* are granted by the gods. Just as Agamemnon's scepter was made by Hephaistos, so too are the *themistes* are handed down to individuals by Zeus: Agamemnon's authority over them is twice traced directly to Zeus,⁷⁰ and *basileis*—collectively and individually—are regularly given the epithet 'Zeus-nourished' (*διοτρεφής*) or 'descended from Zeus' (*διογενής*).⁷¹ It is not the case that the *basileis* claim divine descent (as *διοτρεφής* might suggest) or that the *themistes* themselves are divine,⁷² but rather that the position of *basileus*—like the scepter that symbolizes it—is conferred by the god:⁷³ the investment of authority is the mark of the divine. That Agamemnon fails in his office is a personal shortcoming, but the office itself remains under divine protection. The hierarchy of respect in modern militaries has much the same idea: 'salute the rank,' the saying goes, 'not the man.'

⁷⁰ See 9.97-9, and 2.206 (if authentic: see p. 92, n. 44).

⁷¹ Benveniste (1973: 322). The ubiquity of the phrase in epic is no doubt connected to the fact that the noun-epithet pair serves as a line-ending formula in several different cases: so there is *διοτρεφέων βασιλήων* (e.g. *Th.* 82), *διοτρεφέες βασιλῆες* (e.g. *Il.* 2.445), *διοτρεφέος βασιλῆος* (e.g. *Od.* 4.44), *διοτρεφέας βασιλῆας* (e.g. *Od.* 7.49). The sole exception is the vocative, whose regular position immediately precedes the bucolic diaeresis, as in the full-line formula *Ἄτρεΐδη Μενέλαε διοτρεφές, ὄρχαμε λαῶν* (e.g. *Od.* 4.316).

⁷² Hirzel (1907: 22); Benveniste (1973: 324); Glotz (1988: 53); Yamagata (1993: 90).

⁷³ See Vos (1956: 7-9); Rudhardt (1999: 28-9); Bonner-Smith (1930: 9-11); Benveniste (1973: 382-4); Carlier (1984: 193-4). Griffin (1980: 9-10) and Easterling (1989: 108) note the irony that in the *Diapeira*, Agamemnon is deceived by Zeus, the same god from whom he has received the ancestral scepter. Cf. de Roguin (2007: 63ff.), who shows the cases in which kingship is acquired as a reward for exceptional actions.

A divine foundation for authority applies to figures beyond the *basileus*, especially in terms of the telltale scepter. For while the divine origin of Agamemnon's scepter and rule clearly mark his position, there are other scepter-wielding figures in Homer who have no capacity for delivering *themistes*, but whose possession of a scepter similarly represents a claim to divine protection. Priests,⁷⁴ heralds,⁷⁵ and orators⁷⁶ all carry scepters at various points, but perform no executive function whatsoever. In their hands, the scepter simply denotes their position and broadcasts their claim to authority and respect.⁷⁷ Yet like *basileis*, all of these figures enjoy divine protection, inasmuch as their respective claims to authority derive in no small part from the gods. Herald is emphatically *Διὸς ἄγγελοι ἠδὲ καὶ ἀνδρῶν*,⁷⁸ and the same protection applies to the others: Chryses makes his request to Agamemnon in Book 1 under the guise of Apollo's protection, and as the *xenoi* of Antenor, divine protection also applies to Odysseus and Menelaos when they address the Trojans.⁷⁹ So, even though none of these individuals are specified as delivering *themistes* of any sort, all of them nevertheless have an authority with a religious basis akin to that of the *basileis*, which therefore garners them social recognition and respect.

The need for scepter-wielding figures without jurisdiction over *themistes* to make a public claim for respect is well warranted: in numerous examples, these individuals are not

⁷⁴ Chryses beseeches Agamemnon with the scepter (*Il.* 1.17), which functions as a symbol of his authority as a representative of Apollo. The harshness of Agamemnon's response is in no small part due to the fact that he specifically rejects the scepter and its claim to authority (1.26-9).

⁷⁵ Herald stops the duel between Ajax and Hektor by wielding their scepters (*Il.* 7.273-7). I will discuss this example further later. The shield of Achilles is also worth noting: there, the judges wield scepters (*Il.* 18.503-5), but the scepters the judges carry are not their own, but those of the heralds.

⁷⁶ In addition to Achilles' oath (here made on the scepter he holds), the scepter appears to be a regular accessory of an orator's performance: a herald passes it to a speaker before he begins. So Odysseus is noteworthy for the manner in which he holds the scepter while addressing the Trojans (*Il.* 3.216-23).

⁷⁷ Benveniste (1973: 324); van Wees (1992: 84, n. 57).

⁷⁸ I.e. 7.274. Achilles similarly welcomes the heralds Eurybates and Talthibios in Book 1 by implying divine protection: *χαίρετε κήρυκες, Διὸς ἄγγελοι ἠδὲ καὶ ἀνδρῶν* (1.334). Though the poet does not indicate as much, one suspects that they come bearing scepters.

⁷⁹ See also the previous discussion of *xenia* (pp. 45-51 *supra*).

simply speaking publicly, but are also all in the midst of a potentially hostile situation.⁸⁰ Chryses, for example, is well aware that his request at the start of Book 1 will provoke Agamemnon’s anger: he not only makes a point of carrying a scepter bearing the sacred fillets of Apollo (1.14), but he also frames his plea in terms of respect for Apollo (1.21). That Agamemnon subsequently spurns him is accordingly all the more outrageous. Similarly, Antenor describes how Odysseus held his scepter steadfast while speaking before the assembled Trojans (3.219)—presumably when making a formal request for the return of Helen prior to the outbreak of hostilities.⁸¹ But given that the Achaean army had already been mustered and brought to Troy, it is not likely that Odysseus and Menelaos expected a warm reception for their request beyond Antenor’s observances of *xenia*. Lastly, when the heralds use their scepters to intervene and stop the duel between Aias and Hektor (7.273ff.), there is no question of the potential hostility of the situation: on a battlefield where the most common accessory on both sides is by far the spear, their scepters mark them as non-combatants and their purpose as one of peaceful intervention. The scepter grants a speaker the license to speak and to be heard without interruption, however unpopular his statements: it reinforces the decorum of public debate and discussion.⁸²

But even though scepters regularly appear in the context of peaceful public interactions and hold sway even in the midst of the hostility of the battlefield, there are exceptions and inversions of the *topos*. Speakers need not always rely on the scepter in

⁸⁰ Cf. Mondi (1980: 208ff.), who treats the scepter as symbolic of the *basileus*’ “ability to exercise his will by threatening (at times, only implicitly) the consequences of royal retribution.”

⁸¹ If the *Cypria*, as Kirk (1985: ad 3.203-8) argues, expands upon this scene, then Proclus’ summary indicates that it is to be placed prior to the outbreak of open war (arg. 55-7 [PEG]=72-4 [EGF]). Homer supports the idea that hostilities are not yet open: Antenor hosts and receives Odysseus and Menelaos as friends (τοὺς δ’ ἐγὼ ἐξείνισσα καὶ ἐν μεγάροις φίλησα, 3.207).

⁸² Combellack (1948) oversimplifies in describing how the words of the orator holding a scepter have “peculiar solemnity and importance”, and Easterling (1989: 106) similarly refers to moments of “solemn verbal interchange.”

conducting an assembly; in Book 8, after the Trojans drive the Achaeans back inside their new-built fortifications, the Trojans assemble around Hektor:

Τρώων αὐτ' ἀγορῆν ποιήσατο φαίδιμος Ἴκτωρ
νόσφι νεῶν ἀγαγών, ποταμῶ ἔπι δινήεντι,
ἐν καθαρῷ, ὅθι δὴ νεκύων διεφαίνετο χῶρος.
ἔξ ἵππων δ' ἀποβάντες ἐπὶ χθόνα μῦθον ἄκουον,
τόν ῥ' Ἴκτωρ ἀγόρευε δειφίλος· ἐν δ' ἄρα χειρὶ
ἔγχος ἔχ' ἑνδεκάπηχυν· πάροιθε δὲ λάμπετο δουρὸς
αἰχμῇ χαλκείῃ, περὶ δὲ χρύσεος θέε πόρκης,
τῷ ὃ γ' ἐρεικόμενος ἔπεα Τρώεσσι μετήυδα· (8.489-96)

Now glorious Hektor convened an assembly of Trojans in a clean spot, leading them away from the ships to the eddying river, to where the place was free of corpses. And stepping to the ground from their horses they listened to the speech which Hektor beloved of Zeus delivered. And in his hand he held his eleven-cubit-long spear, whose brazen barb at the shaft's tip shone forth, and there was a golden ring about it. Leaning on this he addressed the Trojans.

The assembly is marked by the paraphernalia under whose auspices it is convened. The presence of the enormous spear, here substituted for the scepter, brings with it unique and unusual connotations. The immediate implication is that the assembly is concerned not with good order, but rather with warfare. And so it is: after a successful day's fighting, Hektor aims to take advantage of the Trojan ascendancy and prevent an Achaean escape by camping on the plain. As the scholiast notes, the use of the spear is accordingly effective.⁸³ And even though the image of Hektor leaning on his spear marks the assembly as atypical, the assembly is in other respects perfectly normal. For everything happens in good order: the Trojans hear Hektor's proposal, approve of it, and set about their various tasks (8.542ff.). It is noteworthy that there is no objection voiced to the proposal,⁸⁴ nor any other suggestion of abnormality. The focus on warfare and the absence of the conventional scepter are not accompanied by further violations of its usual norms

⁸³ Σ b ad 8.494, καλῶς οὐ κῆπτρον κατέχων δημηγορεῖ, ἀλλὰ τὰ τῆς ἀνδρείας σημεῖα προβαλλόμενος.

⁸⁴ Polydamas, who elsewhere is Homer's foil to Hektor's plans, does not appear in the epic until 11.57. For a contrastingly failed assembly, see *Od.* 3.137ff..

Given that the assembly otherwise operates normally, however, one legitimately wonders why Hektor uses the spear and why such attention is drawn to it as the scepter's substitute. For even if the assembly itself proceeds normally, the spear nonetheless marks anomaly. Two points are worth raising in this context: first, as far as the *Iliad* presents it, the Trojan strategy has always been to keep close to the city wall's and to take refuge within Troy at night or in times of duress.⁸⁵ In this sense, Hektor's proposal to camp on the plain is as unusual as the spear is, and the implication is that he is so confident of victory and of the Trojans' prowess that the change in strategy is not only warranted, but sound. As was noted, he is not alone in thinking as much, and that there is no objection from the Trojans is significant. The larger context surrounding the assembly further reinforces his confidence: as the narrative reveals, he has good reason to suppose that victory is in his grasp. For after Diomedes kills Hektor's charioteer Eniopeus (8.116-120), Zeus dashes lightning in front of Diomedes' horses in warning (8.130-6). And while Diomedes is reluctant to retreat, both Nestor and Hektor separately recognize that Zeus has granted a period of Trojan ascendancy.⁸⁶ All of this is consistent with the further indications given in the narrative: at the start of the Book, Zeus forbids the other gods from interfering in the fighting (8.5ff.), and when he subsequently weighs the two sides' respective dooms, the scales indicate a day of woe for the Achaeans (8.69ff.). The appearance of the spear in the context of the assembly as a substitute for the scepter, then, symbolizes the novelty of Hektor's newfound confidence and the change in Zeus' attitude.

⁸⁵ E.g. 6.73-4; 9.352-4; 18.254ff.

⁸⁶ Nestor must persuade Diomedes to heed Zeus' warning (8.139ff.), and Hektor in turn addresses his troops indicating the turning of the tide (8.173-83). On Diomedes' reluctance to withdraw, see Scodel (2008: 2-6).

One can detect further anomalies at work in the fabric of the situation. For in restricting the gods' liberty to intervene in the conflict, Zeus is in some sense also acting abnormally; he clearly has the authority to curb his peers' involvement, but they do not take the prohibition well and even Zeus recognizes their potential for rebellion.⁸⁷ There are further indications in the narrative of the abnormality of his restrictions: immediately prior to Hektor's convening the Trojan assembly, Zeus suffers the silent treatment at Hera and Athena's hands (8.444-6), and is forced to apologize for what must take place: as he explains, Hektor's supremacy will continue until Patroclus is dead and Achilles returns to battle (8.470-83). Out of the need to quell the ill-will of other divinities, Zeus reveals the details of his larger plan in apology: things are out of kilter for the moment, he implies, but all will return to normal in due course. The Trojan supremacy, like Hektor's use of the spear in assembly, is unusual and abnormal, but all of these abnormalities are contained within the larger plan of Zeus.

While those who carry scepters normally exercise an authority that can have a divine basis and an executive capacity, one can see that there are exceptions that test the limits of the connection between authority, scepters, and *themistes*. There are different kinds of authority, and not every figure who wields a scepter has an equal capacity for *themistes*. Ideally, the office of *basileus* possesses the scepter and *themistes* as prerogatives granted by Zeus, but in the figure of Agamemnon, one can see the paradox of a *basileus* who wields a shiny scepter but whose capacity for *themistes*—despite his office—is disappointing. Then there are the individuals who wield scepters but who never deliver *themistes*: they are akin to

⁸⁷ Immediately after voicing the prohibition and its punishment (8.5-17), Zeus hypothesizes rebellion and his response thereto, taking great care to stress his superiority even in the face of all other divinities (8.18-27). Such restrictions are unusual for Zeus; as Corsano points out (1988: 32-4), Zeus' rule in Hesiod (in contrast to that of Ouranos and Kronos) is marked by the protection both of the gods' *timai* and their individual freedoms.

basileis in that by wielding the scepter they not only claim authority and expect decorum, but also ground these entitlements in religious bases. Yet inasmuch as they lack an executive capacity, they disappoint the close association of scepter and *themistes* implied elsewhere in epic. Consistent throughout is divine support, but while scepters, *themistes* and personal authority may individually raise the expectation of one another, that expectation must be adapted to the nuances of each particular context. So Hektor can assemble the Trojans beneath his spearhead and propose a course of strategy that is on the one hand entirely at odds with the normal Trojan tactics, but on the other fully consistent with Zeus' plans for the war—while that plan is itself the cause of tension in the divine community. General practices are not absolute, but provide a background for potentially contrasting situations.

ii. The gods and themistes

The importance of scepters and authority—whether of an individual or a body—grounds the semantic range of *themistes* and helps to explain its varied usage in epic poetry. Even the examples of heralds or priests—who lack a capacity for *themistes*—help clarify the executive function of *themistes* as creating or maintaining order. The *themistes*' relation to scepters and—by extension—the gods, however, complicates matters: although one can easily describe *themistes* as the property or prerogative of particular individuals, it is not immediately clear what role the divine plays in the actual application of *themistes*, especially in light of abstract *themis*' implications of universal order. It is all well and good to indicate that *themistes* are ideally the mark or capacity of an individual's divinely-mandated social authority, but in light of the problematic examples of Agamemnon or Hesiod's *δωροφάγοι*, it is painfully clear that access to *themistes* does not guarantee their proper application: in the hands of mortals, *themistes* can be perverted, and not all *themistes* accord with *themis*.

A cynical reader might well wonder why these *themistes* have executive force in epic when the negative examples suggest that they are little more than the arbitrary musing of individuals who may or may not have any qualms about abusing their positions of power in practice. Here a further element of the divine involvement in *themistes* appears: while the authority over *themistes* is wielded by select mortals, this is not to say that the role of the divine is limited to granting a *basileus*' status and the requisite authority. For as the decisions and verdicts that regulate human interpersonal relationships, *themistes* are primarily concerned with the governance and maintenance of order in human society. And although the gods delegate the authority over *themistes* to mortals (simultaneously removing themselves from and authorizing the governance of mortal society), in epic poetry they are nonetheless cognizant of the results produced by those *themistes*, and are concerned to see that authority used properly. At no point in epic, however, do *themistes* refer to the divine will as revealed in oracles.

Although the gods do not themselves pronounce *themistes*, they are very much concerned with how the mortals they authorize to do so fulfill their responsibilities. For example, when Achilles describes the *themistes* guarded by the *δικασπόλοι*, he connects them with Zeus (*πρὸς Διός* 1.239), implying that the pronouncement of upright *themistes* is in accordance with Zeus' will. Hesiod supports this idea: in the *prooemium* to the *Works & Days*, he prays that Zeus straighten the *themistes* of kings (*Op.* 9-10), which similarly assumes Zeus' concern for upright judgment. Similarly, it is commonplace that the plot of the *Odyssey* culminates in an act of vengeance that takes place with the full support of the gods.⁸⁸ The most emphatic statement of divine concern, however, appears in a simile in *Iliad* 16, where narrator describes how the abuse of *dikê* and the corruption of *themistes* raise the gods' ire:

⁸⁸ So, for example, Olson asserts that Odysseus' return is like that of a god (1995: 218-23).

λαβρότατον χέει ὕδωρ
Ζεύς, ὅτε δὴ ῥ' ἄνδρεςσι κοτεσσάμενος χαλεπήνη,
οἷ βίη εἰν ἀγορῇ σκολιάς κρίνωσι θέμιστας,
ἐκ δὲ δίκην ἐλάωσι θεῶν ὅπιν οὐκ ἀλέγοντες· (16.385-8).

...Zeus pours a most furious rain, when he vents his wrath in anger at the men who pick out crooked *themistes* in the *agora* by force and drive out *dikê* without concern for the vengeance of the gods.

That the gods are offended by the abuse of *dikê* and corruption of *themistes* in epic is clear. But note how in the example from *Iliad* 16 the divine anger comes in response to the mortal capacity for judging and distributing *themistes*: the gods produce no *themistes* of their own, but instead oversee and respond to mortal ones.⁸⁹ As in the case of Hesiod's request that Zeus 'straighten *themistes*', the divine involvement in the mortal distribution of *themistes* is removed and *post factum*. Selected individuals have the power to deliver *themistes* that is granted by the gods, and there is an expectation that they will do so in accordance with straight *dikê*. Failure to deliver correct *themistes*, moreover, can provoke divine retribution.⁹⁰

The problem for mortals is that the *themistes* lie exclusively in their hands: in the absence of a codified body of law, the *themistes* denote the body of precedent transmitted orally through generations of rulers.⁹¹ When adjudicating a dispute, a judicial body examines the arguments of the claimants, which are called *themistes* since they appeal to any number of precedents.⁹² The verdict ideally draws on the various precedents at issue and then takes its

⁸⁹ Noting Zeus' relationship to *themistes*—specifically the manner in which authority over them derives from Zeus—scholars have been quick to suggest that the gods inspire *themistes* in mankind. See Reinhardt (1966a: 27); nn. 72 (*supra*), 93 (*infra*).

⁹⁰ Griffin (1978: 1-5) traces the gods' interest in human actions from Homer to Callimachus. The relationship of the divine to the mortal distribution of *themistes* is similar to that of an overzealous parent allowing their child to drive an automobile for the first time: the parent permits the operation of the machine, observes as the young driver (clumsily) maneuvers it, and is helpless to forestall the drivers' decisions—whether to revel in their newfound capacity and speed recklessly or to obey traffic laws and heed others' safety. In the end, all the parent can do is respond critically to the driver's choices after the fact and attempt to coerce better driving in the future.

⁹¹ Havelock (1978: 180); Corsano (1988: 57-8).

⁹² For *themistes* as legal arguments concerning what is right, see pp. 85-92 (*supra*).

place amongst the body of *themistes*, but there is no need that it actually do so. If no precedent is appropriate to the dispute, the judicial body has the authority to create one and add it to the body of *themistes*, and similarly, there is no certainty that the body will correctly remember the *themis* that is appropriate to the case, or choose it. At no point is there a concrete connection between *themistes* as the body of precedent and the larger cosmic and divine order that they invoke, and in fact, misremembered or incorrectly applied *themistes* may actually be seen to pollute the body of precedent. A judicial body's *themistes* need not conform to the dictates of *themis*: not all *themistes* are, in fact, *themis*. *Themistes* are distinct from the divine order, yet (ideally) emulative of it: Agamemnon's bungling and the corruption of Hesiod's *basileis* demonstrate the reality of 'crooked' *themistes*. One can lament these crooked decisions or call on the gods to correct or punish their execution, but in the end *themistes* belong wholly to the mortal sphere.

It is important to note what I have called the gods' removed involvement in mortal *themistes* because it is seemingly contradicted by a troublesome passage in the *Odyssey*. After Antinoös proposes killing Telemachos following his safe return to Ithaca, Amphinomos objects and prudently proposes caution:

ὦ φίλοι, οὐκ ἂν ἐγὼ γε κατακτείνειν ἐθέλοιμι
 Τηλέμαχον· δεινὸν δὲ γένος βασιλήϊόν ἐστι
 κτείνειν· ἀλλὰ πρῶτα θεῶν εἰρώμεθα βουλάς.
 εἰ μὲν κ' αἰνήσωσι Διὸς μέγαλοιο θέμιστες,
 αὐτός τε κτενέω τούς τ' ἄλλους πάντας ἀνώξω·
 εἰ δέ κ' ἀποτρῶπῶσι θεοί, παύσασθαι ἄνωγα. (16.400-5)

My friends, I'd rather not kill Telemachos; it's a horrible thing to kill kingly stock. But first let's seek the plans of the gods: if the *themistes* of Zeus recommend it, I myself will kill him and urge all others. But if the gods oppose it, I hold that we cease our efforts.

The objection is a strange one: Amphinomos' point is that they should not kill Telemachos unless the gods permit it. Presumably, discerning the gods' attitude (*θεῶν εἰρώμεθα βουλάς*)

would require divination of some sort. Critics agree, and argue that Amphinomos is suggesting a consultation of some oracles of Zeus:⁹³ not only are the *themistes* said to be his (Διὸς μέγαλοιο θέμιστες), but they appear to take on the force of a divine command. For upon closer examination of the syntax, while the *themistes* are the grammatical subject of the hypothetical scenario recommending the murder of Telemachos (αἰνήσωσι), the gods (θεοί) are the subject of the hypothetical opposition to the plan (ἀποτροπήσωσι). The statement appears consistent with a recommendation to consult an oracle: the god's response will determine the action taken.

It is on the basis of this single passage that *themistes* are said to have the force of oracles in epic. In light of my previous analyses, however, two anomalies are clear: the term *themistes* has at this point in extant Greek literature never had the meaning of 'oracles'; and moreover, *themistes* have not yet been directly associated with the gods.⁹⁴ *Themistes* are mortal, and that the *themistes* in question are seemingly Zeus' is therefore unique and potentially contradictory; the god's normal involvement in *themistes* is to entrust the authority over them to a mortal individual. Furthermore, there is something outlandish about the suggestion that one should seek the gods' consent for an act of regicide, especially when the suitors are as anxious about the plot as they are at this point in the epic. Amphinomos, I believe, is not so much suggesting recourse to an oracle as he is rejecting Antinoös' proposal outright. His hesitation is apparent from the start, but as though recognizing that his word will not be good enough, he then supplements his point with the suggestion that they turn to the gods. By referring to *themistes* of Zeus, he introduces not only the gods' attitude toward the

⁹³ See *LSJ* (s.v. III); Ehrenberg (1921: 14); Yamagata (1993: 74); Stafford (1997: 162-3). Ehrenberg (1921: 6ff.) argues that *themistes* originally express the divine will, while Hirzel (1907: 36ff.) makes the connotations of oracle secondary to an original meaning of counsel. Cf. Vos (1956: 17-22).

⁹⁴ The problem is noted already by Strabo (vii, 7, 11), who bears witness to the variant reading *τομοῦροι* for *θέμιστες*, which he interprets as *τομοροφύλακας* 'guardians of Mt. Tomarus.'

plan, but also the idea of *themis*. But the two somehow blend together: Amphinomos is not so much suggesting divination of some sort as the fact that regicide can never be *themis*.

The crucial distinction in reinterpreting Amphinomos' suggestion is the shift in grammatical subject from *themistes* to the gods. Via a *μέν/δέ* construction, Amphinomos presents two possible scenarios: that the *themistes* of Zeus will approve of the regicide, or that the gods will oppose it. Beneath the surface, however, those scenarios conspire to reveal one reality—that the gods (and Amphinomos) disapprove of the plan to kill Telemachos. Amphinomos' advice that the suitors seek the *boulai* of the gods is a genuine proposal, but it does not need to be pursued because his subsequent points indicate that the plan is not *themis*. The reference to *themistes* mediates between the *boulai* and the idea of *themis*. The gods' attitude is in question, and when Amphinomos hypothesizes that the *themistes* of Zeus might recommend murder, he posits a condition, but as a hypothetical possibility it is wholly unreal. Zeus' *themistes* would never endorse the murder of a king, and this is true for two reasons: Zeus would only himself does not deliver *themistes* to mortals, and even if he did, everyone knows that Zeus favors kings (who are, after all, *διοτρεφέες!*).⁹⁵ By invoking the *themistes* of Zeus, Amphinomos implies that he is describing the *boulai* of the gods, but in reality, he is making a point about what is *themis*.

The veiled appeal to *themis* is aimed at exacerbating the suitors' anxiety about the plot. For in the speech preceding Amphinomos', Antinoös noted that Telemachos' evasion of the suitors' naval ambush reveals divine favor (16.364ff.), and that public approval—already at risk (16.375)—will certainly be lost if Telemachos calls an assembly and reveals the plot (*οὐκ αἰνήσουσιν ἀκούοντες κακὰ ἔργα* 16.380). When Amphinomos responds, then, the suitors are

⁹⁵ So also van der Valk (1959: 145).

already on edge, and Amphinomos expands on Antinoös' reference to approval (*οὐκ αἰνέουσιν*) by looking beyond the *populus* to the *themistes* of Zeus and wondering whether they might approve of the plan (*εἰ μὲν κ' αἰνέωσι* 16.403). The whole scenario is fantastic, and the impossibility of Amphinomos' proposal underscores his objection: he begins by stating that it is a terrible thing to kill a king (16.401-2), and then supports his point by shifting focus from public opinion to the patron deity of rulers. What is strange about the maneuver, however, is that it invokes *themis* via a reference to *themistes*. Zeus would no more approve of regicide than he could deliver *themistes*, and by attributing such *themistes* to Zeus, Amphinomos thereby draws attention to the contradiction he is setting up as well as the plot's lack of *themis*. It is a real stretch to imagine that somewhere in the body of *themistes* is there a precedent justifying an act of regicide,⁹⁶ or that Zeus himself would back it. Since what is *themis* is clear, there is no need to consult the *boulai* of the gods.

The point is that we are not dealing with oracles here; while Zeus protects *themistes*,⁹⁷ he does not have a capacity for them. The second scenario Amphinomos hypothesizes works in consort with the first to reinforce his opposition to the plan. For instead of creating another group of impossibilities, the second possibility and its change of subject makes its point directly: while the first scenario hypothesized divine *themistes* implausibly recommending regicide, the second possibility is that the gods will simply oppose the plan. This hypothetical scenario continues Amphinomos' train of thought, grounding and elaborating on the point with which he began—it is a terrible thing to kill a king, because the gods would never favor such a plan. But where he only hinted as much in the first hypothetical scenario in alluding to

⁹⁶ Homer is far removed from the fifth-century fetish for *agônes*, where, given (for example) Pheidippides' argument in *Clouds* about the legality of beating one's father, we might expect the case of Ouranos and Cronos to be have been fodder for a debate on the legality of regicide.

⁹⁷ Cf. *Il.* 1.238-9, where the *themistes* are *πρὸς Διός* (p. 108-9, *supra*).

themis, Amphinomos here makes the same point explicit—the gods are not with the suitors. The contrast between the two scenarios masks their common point.

There are further reasons to reject interpreting Amphinomos' response as a suggestion that the suitors have recourse to an oracle. First of all, the suitors are nowhere else receptive of divination in the *Odyssey*,⁹⁸ and one might legitimately question why one opposed to the plan (such as Amphinomos) would suggest consulting an oracle when a negative response might be ineffectual. More importantly, it is not even clear that such an oracle would be readily available: oracles in Homer are by no means common, and in their few appearances there is no suggestion that they ever serve the deliberative purpose of helping one to choose between possible courses of action.⁹⁹ This is to say that the two scenarios hypothesized by Amphinomos are not appropriate to Homeric oracles: if one wants to know the gods' opinion on a state of affairs in Homer, one keeps watch for omens or seeks a *mantis*.¹⁰⁰ Amphinomos' suggestion that they seek the *boulai* of the gods (16.402) likely proposes such a consultation, though it is not immediately taken up because of the effectiveness of his argument. In a later Book, however, when the suitors' anxiety has faded and they once again debate the plot against Telemachos, such an omen in fact appears, at the observation of which Amphinomos reiterates his opposition to the plot (20.240-6). Zeus may not have a capacity for *themistes*, but one may nonetheless divine his *boulai* from the signs and recognize what is or is not *themis*.

⁹⁸ See, for example, Eurymachos' reply to Halitherses (2.178ff.)

⁹⁹ See chapter 3 (pp. 145-50, *infra*), for a discussion of the limited evidence for oracular activity in Homer. None of it presents an oracle 'choosing' between possible courses of action or assisting in a deliberative process: Dodona is active as a shrine, but its responses pertain solely to travelling (*Od.* 14.327ff.; 19.296ff.); and the sole prophecy given by Delphi (*Od.* 8.79ff.) simply predicts a future event.

¹⁰⁰ Bouché-LeClercq (1879: 1.273ff.).

The final reason why Amphinomos' proposal ought to be interpreted as an argument, however, emerges out its results: his proposal meets with popular approval.¹⁰¹

ὥς ἔφατ' Ἀμφίνομος, τοῖσιν δ' ἐπιήνδαε μῦθος. (16.406=20.247)

So Amphinomos spoke, and his argument met with their approval.

The response of the suitors indicates that Amphinomos was successful in persuading them to abort the plan to murder Telemachos. In fact, following his interpretation of the omen in Book 20, they respond in exactly the same way. If the suitors thought there was even a possibility that Zeus' *themistes* would support their plot, it is unlikely that they would be swayed. Amphinomos, however, has crafted his protest so as to dissuade their zeal for murder: his two hypothetical scenarios work in consort to indicate the sheer impossibility that the gods would approve of such a plan. The idea that there could be *themistes* of Zeus functions within this rhetoric of impossibility; like the idea that Zeus would approve of regicide or that there are *themistes* recommending regicide, the idea that he delivers *themistes* is wholly implausible. The suitors recognize the hopelessness and wisely yield. By invoking the idea of *themis*, Amphinomos' speech indirectly reveals the gods' *boulai* and makes the suitors aware of the potential consequences of regicide. They give up the plot out of fear of retribution. At no point is the consultation of an oracle suggested because Homeric oracles neither serve the deliberative purpose required by the passage, nor would such an oracle likely dissuade the suitors.

iii. The verb *themisteuein*

If a study of *themistes* and their associated images and contexts revealed a range of usages that stretch the expected semantic boundaries beyond that of the 'legal', precisely the same difficulty arises when analyzing the verb *θεμιστεύειν*. Admittedly, its epic uses are slim—

¹⁰¹ The verb *ἐφاندάνω* normally occurs in contexts of popular approval or agreement: e.g. *Il.* 7.45; 7.407.

it appears only twice in the *Odyssey*—but those uses serve to cohere to and to undermine, respectively, a familiar set of connotations. While the first use of the verb *themisteuein* accords precisely with the typically legal trappings of scepter-wielding figures of authority and *themistes*, the second goes beyond the strictly legal sphere to observe the presence of *themistes* in a new context—that of the family. This new context takes up the typically legal application of *themistes* operating in human civil society and applies it to a new context, thereby expanding the semantic range of *themistes* and the verb *themisteuein*.

The normative example of *themisteuein* occurs in the *nekuia* of Book 11, when Odysseus glimpses Minos in the underworld. His depiction of Minos is consistent with the previous discussion of *themistes*' account of their association with legal contexts, figures of authority, and the imagery of scepters:

ἔνθ' ἦ τοι Μίνωα ἴδον, Διὸς ἀγλαὸν υἱόν,
 χρύσειον κήπτρον ἔχοντα θεμιστεύοντα νέκυσι,
 ἤμενον· οἱ δέ μιν ἀμφὶ δίκας εἴροντο ἄνακτα,
 ἤμενοι ἔσταότες τε, κατ' εὐρυπυλῆς Ἄϊδος δῶ. (11.568-71)

And there I saw Minos, the glorious son of Zeus, sitting down, holding a golden scepter, and delivering *themistes* to the dead. And around him as lord the dead were making their cases, both sitting and standing, at the broad-gated house of Hades.

Minos holds a scepter and has authority (as ἄνακτα). Since he is adjudicating the cases (*dikai*) of the dead, the context of his activity is clearly legal, which means that the participle *θεμιστεύοντα* here has the meaning ‘delivering *themistes*.’¹⁰² The passage is wholly consistent with the legal context of *themistes* already discussed, containing elements both from Hesiod’s idealized depiction of the *basileus* pronouncing *themistes* (*Th.* 84-7) and Achilles’ account of the *δικασπόλοι* in his vow before Agamemnon (*Il.* 1.233-9); there is a figure whose authority is marked by the scepter and a capacity for delivering *themistes*. Minos demonstrates that

¹⁰² So Vos (1956: 21) translates ‘to speak law’: “er spricht Recht, gibt Gesetze.”

capacity in a legal setting in the form of verdicts which are final (and presumably correct).¹⁰³ That the scene is idealized should not be surprising, since Odysseus functions both as narrator and focalizer of the passage: even if he does not understand precisely what is going on in the underworld (and the brevity of his description hints as much), he can nonetheless interpret and describe Minos' activity by means of the legal vocabulary familiar to him. Minos acts like a judge delivering *themistes*, and is described accordingly. In this light, it is not surprising that the vocabulary of ordinary human legal interaction persists even in a description of the underworld.

But while *themisteuein* appears to function fully within the expected boundaries in the *nekuia*, Odysseus' use of the same verb in describing the Cyclops' society results in contradiction and confusion which cannot be rationalized away. Unlike Minos, who has some sort of legal role in the underworld, the nature of the Cyclops' activity of *themisteuein* is not immediately clear. The passage is worth considering; after describing the Cyclops' land and its self-sufficiency, Odysseus turns to the creatures themselves:

τοῖσιν δ' οὔτ' ἀγοραὶ βουλευφόροι οὔτε θέμιστες,
 ἀλλ' οἳ γ' ὑψηλῶν ὀρέων ναίουσι κάρηνα
 ἐν σπέεσι γλαφυροῖσι, θεμιστεύει δὲ ἕκαστος
 παίδων ἠδ' ἀλόχων, οὐδ' ἀλλήλων ἀλέγουσι. (9.112-5)

They have no counsel-producing assemblies nor *themistes*, but they live in the peaks of lofty hills in hollow caves, and each one delivers *themistes* to wives and children, and they do not bother with one another.

Odysseus' manifest concern lies primarily in describing the Cyclopean society—or lack thereof; the absence of *agorai* and *themistes*, when paired with an expressed lack of concern for one another and their isolated dwelling, indicates that they lack the social institutions proper

¹⁰³ The main difference appears to be that the *dikai* in the Minos scene are not related to the contents of his decision, but denote the cases presented before him—that is, that *dikai* can also refer (like *themistes*) to the arguments or cases presented to a judge! The range of the terminology is impressive.

to what Odysseus expects of civilized humanity.¹⁰⁴ By denying them an *agora*, Odysseus points out that the Cyclopes do not assemble as a community, and by denying them communal *themistes*, Odysseus indicates the lack of a single, communally recognized authority—whether in the form of a single individual (akin to the *basileus*) or a body or council (like the *δικασπόλοι*, the Phaeacian *κηπητοῦχοι*, or the *γέροντες* on Achilles’ shield). A lack of centralized political authority goes hand in hand with a lack of centralized legal authority: later, Odysseus reiterates his point by saying that the Cyclopes lack *dikai* and *themistes*, where the two are explicitly paired with one another (9.215). But while there are no centralized political institutions or legal machinery, there is a Cyclopean society at the level of the family, and it is here that Odysseus uses the verb *θεμιστεύει*, remarking that each Cyclops delivers *themistes* to their wives and children.¹⁰⁵

Odysseus’ assertion about the Cyclopes’ wives and children is paradoxical, and reflects an evolution in the expected connotations of *themistes* and *themisteuein*. For on the surface, how can Odysseus go from stating specifically that the Cyclopes lack *themistes* (9.112) to stating that they nonetheless undertake the activity of delivering *themistes* (9.114-5)? Rationalizing the paradox away will not do: the rarity of the verb *themisteuein* and its proximity to Odysseus’ denial of *themistes* unavoidably draw attention to the passage,¹⁰⁶ and arguing that *themisteuein* means ‘to exert authority’, ‘to speak law’ or that *themistes* denote

¹⁰⁴ The Cyclopes are not exactly solipsistic; while they live separately, they are still close enough nearby that they respond to Polyphemos’ cries (9.399-402).

¹⁰⁵ The basis for Odysseus’ knowledge is unclear; Polyphemos lives alone and no mention is made of a wife or children.

¹⁰⁶ So Heubeck (1989: ad 9.114) notes that the irony is intentional. His comparison with the later meaning of ‘deliver oracles’ (instead of the much more appropriate Minos passage), however, is tenuous. I will discuss the relationship of *themisteuein* to oracles shortly.

not decisions but some ‘ethical rules’ all fail to address the juxtaposition of terms.¹⁰⁷ Once again, some semantic massaging is necessary, and one needs to treat the terminology delicately.

The first part of the statement is straightforward: inasmuch as Odysseus’ narrative objective is to portray the Cyclopean society’s lack of civilized social institutions, the statement that they lack *themistes* functions within the primary legal and political framework implied by the term. There are no assemblies or institutional authorities who have access to or who deliver *themistes* for the Cyclopean community. Having discussed Cyclopean society at the institutional (or political) level, Odysseus then turns to the family, where there is one such quasi-institutional authority—namely, the father. Although Odysseus shifts from one mode of human interaction to another, the presence of authority allows for the semantic slippage: where the Cyclopes lack a centralized authority at the communal or political level, such an authority nonetheless exists at the level of the family. Odysseus accordingly uses analogous language: nowhere else is a father’s authority over his household characterized in the language of *themis*, *themistes*, or *themisteuein*, but because the Cyclopes do not have a political society in which *themistes* normally operate, its terminology slips into the social order that they do have—that of the family. There is no one individual with the authority to deliver *themistes* to the Cyclopean society, but each Cyclops is his own authority at the level of the family: for Odysseus’ purposes, political *themistes* lend themselves to the level of the family.¹⁰⁸

Odysseus’ attribution of *themistes* to the Cyclopes at the level of the family reflects the breadth of the term’s semantic range. For while in structuralist terms there is a sharp distinction between family and polity, Odysseus’ ability to transfer the possession of *themistes*

¹⁰⁷ So Vos (1956: 21) translates *themisteuein* as ‘speaks law’ (“er spricht Recht”) and Rudhardt (1999: 28-9) treats *themistes* here vaguely as préceptes de *themis* or règles éthiques.

¹⁰⁸ On the similarity, see Donlan (1982: 169).

from one sphere to the other by analogy undermines such rigid categorization and reveals the flexibility of *themis* and its relatives.¹⁰⁹ And so while one is mildly surprised to see *themistes* popping up at the level of the family, there is little confusion as to what they indicate or what their role in such a context. The transition is an easy one, since the semantic range of the term easily includes the realm of the family.

d. Conclusion

Unlike *themis*, whose broad semantic range describes order at a cosmic or natural level, *themistes* and other related terms function in a more restricted capacity at the level of mortal society. For while authority over *themistes* ultimately derives from the gods themselves, the link is not absolute: those *themistes* need not substantiate or reflect the divine order at all, and oftentimes painfully fail to realize it. Human existence strives to realize the norms of the divine community but continually falls short: cursed by mortality, they also seek to operate socially, judicially, and religiously in accordance with *themis*, but in mortal hands *themistes* can become crooked or the claims of *themis* can be perverted or entirely ignored. The semantic field of *themistes* and *themisteuein*, although affiliated with the scepter and with forms of authority, is not precisely mapped onto them. Not everyone who wields a scepter has a capacity for *themistes* (though their claim to authority or respect derives universally from divine protection) and not everyone who has authority and a capacity for *themistes* utilizes them in accordance with what is *themis*.

¹⁰⁹ The consequences of this failure of structuralism for Homeric scholarship are vast. For there is a long history of distinguishing the kinds of society or kinds of *themis* in the poems: for some, *themis* in the *Iliad* is associated with the ruler's will, while in the latter the term has come to denote the rule of noble society [see Ehrenberg (1921: 12-13); Janik (2003: 69-70)]. For others, *themis* in both poems functions at the level of the family and *genos*, while *dikê* is concerned with interfamilial relationships [see Glotz (1904: esp. 21-2); Benveniste (1973: 382); summarized in Rudhardt (1999: 16)]. Such distinctions are too fine to support the scholarly apparatus that depends on them.

The prevalence of *themistes* in mortal spheres of activity, when combined with their lack of direct connection to abstract *themis* and their near-complete absence in divine society, render null the long-assumed affiliation of *themistes* and oracles. Although Amphinomos suggests consulting the gods' will in *Odyssey* 16, his suggestion is rather a rhetorical strategy aimed at outlining how ill-advised the suitors' plan to kill Telemachos is. Closer analysis of this passage—the sole basis for the meaning 'oracles' for *themistes* in epic—reveals not the recommendation that the suitors divine the gods' will via an oracle, but that, in light of *themis*, the recognition that their actions are manifestly wrong. The subsequent appearance of an omen—not the mention the suitors' approval of Amphinomos' recommendation—indicates that there is no place for an interpretation of *themistes* as oracles. Although the gods are concerned to see justice achieved in the mortal sphere and entrust mortals with the capacity to achieve it, they themselves have no ability to deliver *themistes* to mortals in epic.

Chapter 3

Themis, Cult, and Early Oracles

a. Introduction

The previous chapters' survey of the evidence for *themis* in early Greek and epic poetry leaves the scholar in a difficult position. On the one hand, it should not come as a great surprise (given the variety of epic usages) that the abstract order described by *themis* is not limited to the sphere of human social interaction or any one of its particular aspects, but extends all the way to the fabric of the cosmos. Simply accepting the breadth of the term's semantic range as revealed by epic, however, is far from the full extent of my conclusions. Indeed, the central argument of those chapters—that epic *themis* reflects the universal order of Zeus' sovereignty yet applies in both a divine society where that order is not without challenge and a human society where its realization is far from flawless—requires a serious reworking of scholarly dogma. Some points, such as that personified *Themis* appears in literary contexts involving potential threats to Zeus' will, force a reevaluation of a long scholarly trend that naturalizes the divinity's appearances by interpreting her simply as a goddess of order. Others are more contentious: that epic *themistes* are the exclusive property of mortal figures of authority and have little direct relationship to cosmic *themis* and no relationship to oracles, may meet with greater resistance. The following chapter aims to ground the denial of *themis*' oracular implications by turning to the archaeological and epigraphic evidence for *Themis*-cult in the archaic period.

As we have seen, there is no definitive evidence for personified *Themis* or *Themis*-cult

in the Mycenaean period.¹ Even in the archaic period, the evidence is scattered and (generally speaking) later than would be ideal for a project of this sort. Analysis is further hindered by the fact that scholars have tended to compress or (at the very least) distort the goddess' various aspects. The aspects are rather distinct: in what has been described above as her traditional (or epic) aspect, she appears as a goddess affiliated with justice and order, but from the fifth century onwards she appears more prominently as an earth-goddess often related to oracular utterance. In Athens, eventually her cult is closely connected with Gaia's.² The goddess' two disparate aspects, however, invite speculation as to their relationship. For scholars of religion, the tendency has been to take the affiliation with Gaia as primary: Farnell summarizes well when he states that "it was through her prophetic character that Ge acquired the cult-appellative Θέμις, which was attached to her at Athens, and, unless the old legends deceive us, at Delphi also" and, subsequently, that "Themis... was originally an emanation from Ge."³ The implicit assumption is that *Themis* is herself originally oracular, a reflection of Gaia's ancient oracular capacity, and only subsequently distinguished from her.⁴ Faced with the problem of how an oracular goddess came to be affiliated with order, scholars posit an evolution from *Themis*' affiliation with Gaia to a more autonomous, abstract role involving order,⁵ that is, that the personification of 'order' comes later. The rise of the archaic Greek

¹ See pp. 26-6 (*supra*); *pace* Palmer (1954: 49).

² So in the Theater of Dionysos several seats are inscribed (and presumably, reserved) for religious officials whose titles include the goddess' name: an Oléphoros of Athena Themis (*IG II² 5103*), a priestess of Gê Themis (*IG II² 5130*), two Hersêphoroi of Chloê Themis (*IG II² 5098*), and possibly a priest of Themis (*IG II² 5109*). See Stafford (2000: 61-6); Gagné & Herrero (forthcoming). The conflation of Gaia and Themis is particularly noteworthy, and perhaps underlies the genealogy of Prometheus in *Prometheus Bound* (see pp. 264-5, *infra*).

³ Farnell (1896-1909: iii. 12-3). See also Latte (1934: 1626-7); Parke & Wormell (1956: 6-13); Fontenrose (1978: 1, 4); Amandry (1950: 214); Reinhardt (1966a: 26-32); and Sourvinou-Inwood (1987: 235, n.2) for a more exhaustive list.

⁴ So Ehrenberg (1921: 7, 21) and Wolf (1950: 73ff.) argue that *themis* originally denoted oracles.

⁵ In addition to the references detailed in n. 3 (*supra*), the development of more 'political' connotations out of the 'familial' is also traced by Glotz (1904); Benveniste (1973: 382); Rudhardt (1999: 15-6).

polis provides a convenient context for the evolution of personified *Themis*' social or political connotations. I endorse the skepticism of Emma Stafford, who summarizes this evolutionary position as follows:

If *Themis* did indeed start life as an aspect of *Gê*, her gaining of autonomy could be understood as a reflection of a shift in emphasis, from an agrarian concern with fertility and natural justice to an increasingly urban concern with law and political order, alongside the rise of the archaic *polis*.⁶

The position neatly links the aspects of *Themis*: originally an oracular goddess, *Themis* begins her career as the oracular aspect of her mother *Gaia*, before evolving from an affiliation with 'natural' order into more abstract 'political' order.

The following chapter does not so much offer an alternative to the evolutionary hypothesis as point out the impossibility of maintaining it. Taking up arguments from the first two chapters—that *themis* has no affiliation to oracles in epic—I posit that this particular evolutionary hypothesis has it backwards: instead of recognizing *themis*' traditional affiliation with right and order, this position instead makes a relationship to right and order a later accretion to *Themis*' 'original' affiliation with her mother *Gaia*, oracles, and *chthonic* forces. Through an examination of the state of *Themis*-cult in the archaic period, I will demonstrate that these assumptions are untenable: just as the first two chapters argued that *themis* and its related terms' semantic range has no oracular connotations in epic, in what follows I contend that there is no evidence to suggest an oracular function for *Themis* at any of the shrines— oracular or otherwise—at which she appears in the archaic period. At the major oracular shrines, in particular, evidence for an oracular role does not appear until the fifth century, undermining the assumption that *Themis* was in any way originally an oracular goddess.

⁶ Stafford (2000: 46).

Four recent works are particularly important for my study of *Themis*-cult and its relationship to oracular sanctuaries. Denver Graninger's dissertation on Thessalian cult lays bare the extent to which *Themis* was an important deity in Thessaly from an early period; Emma Stafford's discussion of *Themis*-cult at Rhamnous and Athens argues that the affiliation with Gaia is a later accretion; Irene Berti's treatment of the epigraphic evidence for *Themis*-cult at the oracular shrines of Olympia, Delphi, and Dodona argues that the goddess is not an autonomous oracular figure; and Christiane Sourvinou-Inwood has famously debunked an early role for *Themis* at Delphi as a literary projection onto mythological history.⁷ The trend in these studies is unmistakable: an early affiliation with Gaia and oracular divination is speculative and untenable. *Themis*' affiliation with order is evident from an early period in Thessaly, and so too at Rhamnous her juxtaposition with Nemesis suggests her traditional, epic aspect. An early oracular role is literally mythical; in no case do the archaeological and epigraphic findings support the idea—first attested in the fifth century—that the goddess was an oracular figure in the archaic period.⁸ *Themis* is prominent in Thessaly as a goddess affiliated with the agora and social order, and at Rhamnous she is worshipped alongside Nemesis. Although we will also find her cult at the major oracular shrines, an early affiliation with oracles and Gaia-cult is attested primarily in literature, and not necessarily from an early date. As such, although previous scholars interested in *Themis*' religious aspects have regularly reconstructed the goddess' history by making a connection with Gaia primary, such reconstructions go hand in hand with the assumption of an early oracular element. Just as *themis* has no oracular associations in epic, so too is *Themis*' relation to Gaia in the early

⁷ Graninger (2006); Stafford (2000); Berti (2002); Sourvinou-Inwood (1987).

⁸ Vos (1956: 62-8) and Corsano (1988: 97-108) come to the same conclusion.

archaic period simply one of child to parent. Archaeological evidence and analysis of the various sites' mythological roles combine to reveal no place for an oracular *Themis*.

b. Evidence for Archaic *Themis*-cult

i. *Thessaly & Rhamnous*

That *Themis* appears to be a major Thessalian divinity from an early period is not news, but the compilation of the evidence in Denver Graninger's recent dissertation offers insight into the kind of *Themis* worshipped there that is crucial for the current discussion.⁹ The most important indication of *Themis*' importance in Thessaly is the presence of the month *Themistios* (with the eponymous festival *Themistia*) in the Thessalian calendar.¹⁰ Indeed, her role amongst the canonical divinities in Thessaly has led at least one scholar to posit that *Themis* occupied Hera's role in the Thessalian pantheon as Zeus' original wife.¹¹ Other epigraphic evidence corroborates the calendar's suggestion that she was important: numerous inscriptions from a variety of sites attest to widespread cult activity. The calendar suggests the antiquity of the goddess' worship,¹² and the inscriptions add geographical range to the suggestion. We are dealing with a wide variety of sites from a surprisingly early period: the inscriptions show that *Themis* was worshipped in Phalanna and Atrax as early as the sixth century,¹³ in Magnesia in the fifth or fourth century,¹⁴ Pherai in the fourth century,¹⁵ and also

⁹ For a more thorough discussion of *Themis*-cult in Thessaly (to which this portion of my discussion is heavily indebted), see Graninger (2006: 40-6, 222-44).

¹⁰ IG IX.2 517.40 (from Larisa, 214 BCE). See Stafford (2000: 50).

¹¹ Miller (1975: 252-5); cf. Pind. fr. 30.

¹² Burkert (1985: 227) argues that calendars may go back to the proto-Geometric period, even if one must be wary of later changes. Cf. Hall (1997; 2005), for whom cultural markers can be adopted later and need not indicate origins. Hall's claim is important to bear in mind as a correction to the trend of overstating *Themis*' importance in Thessaly: Dietrich (1965: 169-70), for example, posits a primacy for Thessalian *Themis*-cult, arguing that it spread across Greece from there.

¹³ IG IX.2 1236; SEG 27.183=SEG 45.553.

¹⁴ SEG 37.491; McDevitt (1970: 1040).

¹⁵ SEG 45.645.

in Phthiotic Thebes and Gonnoi. Furthermore, the inscriptions are primarily votive in character: the datives *Θέμιστι*,¹⁶ *Θέμιστι*,¹⁷ and *Θέμιδι* are the single most common forms of the name in the inscriptions.¹⁸ The indication of the goddess' importance provided by the Thessalian calendar is supported by a variety of inscriptions from different locales in the region, which demonstrate that she received widespread cult worship.

In addition to collecting the evidence for *Themis*-cult in Thessaly, Graninger also points out that the goddess appears most important in her traditional aspect. For in two of the inscriptions, she is named with the epithet *Agoraia*.¹⁹ Graninger notes that in addition to being worshipped in the aspect of *Agoraia*, *Themis* also appears to be linked with worship of Athena.²⁰ The connection to the agora and Athena gives pause: Graninger's point is not that an affiliation with the agora is something specific to her Thessalian cult, but rather that a conceptual link with Athena and the agora suggests the traditional aspect of the goddess as one of right and order: "it is tempting to see *Themis* being worshipped in a particularly Homeric aspect in Thessaly."²¹ For as the heart of a community, the agora is easily linked with the idea of social order, and by extension, *Themis*' association with the agora and Athena lends itself to those connotations of order.²² One recalls immediately the Homeric passage in which Patroclus passes by the ships of Odysseus, which are located near the agora and *themis* (*ἵνά σφ' ἀγορή τε θέμις τε / ἦην*, *Il.* 11.807-8). A connection to the agora suggests that the Thessalian

¹⁶ *IG IX.2* 1236.

¹⁷ *SEG 27.183=SEG 45.553; SEG 37.491*

¹⁸ *McDevitt (1970: 1040); McDevitt (1970: 50)=Arvanitopoulos (1908: 171).*

¹⁹ *SEG 27.183=SEG 45.553; McDevitt (1970: 1040).* See also Pausanias ix, 25, 4, where the temple of *Themis* is next to those of the *Moirai* and of *Zeus Agoraios*.

²⁰ *SEG 27.183=SEG 45.553* is dedicated to *Themis Agoraia*, and a second stele with similar letter forms was found nearby, with a dedication to *Athena Agoraia*. See Graninger (2006: 227-30); Gallis (1974: 278); also Berti (2002: 231-2).

²¹ Graninger (2006: 230): for my purposes, 'traditional' is probably better than 'Homeric'.

²² For the classical agora as a center of the community, see Millett (1998: esp. 218-28).

goddess appears very much in her traditional element, and there is no basis in the Thessalian evidence to posit a *chthonic* aspect of the goddess or any connection with an oracle.

A second center of *Themis*-cult was the Attic deme of Rhamnous, where the goddess was worshipped alongside Nemesis. Though it cannot be confirmed from as early a period as in the case of Thessaly, the two locales nonetheless appear to share a similar concept of *Themis*. For just as Thessalian *Themis*-cult appears to worship the goddess in her traditional relationship to right and order, so too does her pairing with Nemesis at Rhamnous suggest a relationship to justice that is consistent with her traditional form.²³ For actions which violate *themis*, it is argued, are likely to provoke *nemesis*, and the two goddesses make a suitable pair: one prays to *Themis* to maintain order and to Nemesis to punish its violations.

The connection between the two goddesses derives wholly from the material record. Excavation at Rhamnous has uncovered a small 6x12' Doric peripteral temple dated to the late-fifth century (c. 430-20) and a smaller, adjacent structure consisting of a *cella* and porch, whose date is uncertain, though a hasty construction in the 470s, following the Persian devastation, has reasonably been suggested.²⁴ These two structures dominate the sanctuary grounds, and have been reconstructed as temples of Nemesis and Themis, respectively.²⁵ The site of the temple of Nemesis was previously occupied by two sixth-century structures, the former identified by roof-tiles, the latter by the fill on which the peripteral temple stood. The

²³ Cf. Northrup (1980: 225ff.), who discusses the significance of *Themis* and Nemesis' genealogical opposition in Hesiod: the former is affiliated with Zeus and descended from Gaia, the latter a negative quality descended from Night (*Th.* 211-25). But as Stafford (2000: 77) notes, in the *Works & Days*, Nemesis is a positive force (197-201).

²⁴ The late-fifth century date derives largely from Bouras' comparison of monument dimensions (1967: 149-59) discussed also by Miles in greater detail (1989: 160-2, 221ff.). On the temple of *Themis*, see also Stafford (2000: 56). Stafford conjectures on the basis of the smaller structure's shoddy foundation that it was hastily constructed following the Persian withdrawal from Attica. She explains the haste of construction by citing Petrakos (1982: 136-7; 1987: 302-3; 1991: 20), who posits that the Persians in 480-79 destroyed the late sixth-century Doric temple on whose ruins the fifth-century peripteral temple stands.

²⁵ See Miles (1989) for a thorough reconstruction of the former.

smaller structure stands on virgin ground. A pair of inscriptions discovered within the smaller structure testifies to the shrine's cultic activity: both inscriptions are votive, and both mention priestesses of *Themis* and *Nemesis*.

<p><i>a</i></p> <p><i>in summa parte:</i></p> <p>Ἐπὶ ἱερείας Φιλοστρά[της]</p> <p><i>infra sedem:</i></p> <p>Θέμιδι Σώστρατος ἀνέθηκεν</p>	<p><i>b</i></p> <p><i>in summa parte:</i></p> <p>Ἐπὶ ἱερείας Καλλιστοῦς</p> <p><i>infra sedem:</i></p> <p>Νεμέσει Σώστρατος ἀνέθηκεν (IG II² 4638).</p>
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- a* In the tenure of Philostatê as priestess, Sôstratos dedicated this to *Themis*.
b In the tenure of Kallistô as priestess, Sôstratos dedicated this to *Nemesis*

Μεγακλής Μεγακλέου[ς] Ῥαμνού[ι]ος ἀνέθηκε Θέμιδι στεφανωθείς
 ὑπὸ τῶν δημοτῶν δικαιοσύνης ἔνεκα ἐπὶ ἱερείας Καλλιστοῦς καὶ
 νικήσας παισὶ καὶ ἀνδράσι γυμνασιαρχῶν |
 καὶ Φειδοστράτης Νεμέσει ἱερείας καὶ κωμωιδοῖς χορηγῶν.

Χαιρέστρατος Χαιρεδήμιου
 Ῥαμν(ο)ύσι(ο)ς ἐπ(ό)ησε (IG II² 3109).

Megaklês son of Megaklês of Rhamnous dedicated me to *Themis*, crowned by the people on account of his justice, in the tenure of Kallistô as priestess, and that of Pheidostratê, priestess of *Nemesis*, when he was victorious in both boys' and men's [contests], while gymnasiarch and chorêgos for comedies.

The first inscription comes from a pair of thrones (hence the twofold dedication) and dates to the second half of the fourth century. The second inscription comes from the base of a statue of *Themis*,²⁶ and is similarly dated to the late fourth or early third century. Although they postdate by some time the construction of the building in which they were found, the separate priesthoods for the two goddesses specified by the inscriptions are nonetheless a reliable indicator of the structures' respective purposes. The presence of the dating formula ἐπὶ ἱερείας (+ gen.) not only confirms the two priestly offices in honor of *Themis* and *Nemesis*, but, more

²⁶ LIMC ad *Themis* (C) 8.

importantly, also implies these figures' eponymous status for the *deme*.²⁷ The facts that there survive a pair of dedications, each with reference to two eponymous priestesses, and that both were found in one of two buildings dominating the sanctuary all point to the common conclusion linking the cults of Nemesis and *Themis* at Rhamnous.

Despite the goddesses' importance for the *deme*'s cult activity, however, the questions of how early these cults were in practice, not to mention the relationship between the two, remain vexed. For while there survives evidence of temple structures as far back as the sixth century, the rest of the early material evidence is less conclusive. For one thing, pottery finds dated to the sixth century cannot be attributed to specific cult activities: although Petrakos interprets the presence of *loutrophoroi* as indicating *chthonic* ritual, Stafford rightly indicates that *loutrophoroi* are also required in the context of marriage and purification and need not have any *chthonic* significance.²⁸ For my purposes, it is crucial to note that the pottery reveals no explicit connection to *Themis*, let alone a specific connection to *Themis* as some sort of earth-goddess. The link is tenuous, and there is no independent reason to make *Themis*-cult at Rhamnous dependent upon Gaia.²⁹

The late-sixth century appears to be a point at which we can posit cult activity at Rhamnous. For in addition to the two sixth-century structures preceding the peripteral temple and the inconclusive pottery fragments, a small statuette of a seated female figure dating to c. 520 BCE also survives.³⁰ The statuette was found in the *cella* of the smaller temple, and, given her seated position, likely depicts one of the two goddesses. Nonetheless, its presence prompts speculation: the statuette dates to a period contemporaneous with the sixth-century

²⁷ See Wilhelm (1940: 200-9); Stafford (2000: 57).

²⁸ Stafford (2000: 58).

²⁹ Cf. Dietrich (1965: 168).

³⁰ Stafford (2000: 59). Athens NM 2569.

structures, yet its survival—given their destruction—is odd. We can surmise that the statuette was originally located in the latter sixth-century structure, and that after the destruction of that building—possibly in conjunction with Persian invasion³¹— the statuette was moved to the hastily built smaller structure where it was subsequently discovered. Its relocation, however, raises problems: it remains unclear whether the statuette simply survived the ruin of the sixth-century structure and was extracted from the rubble, or whether it was deliberately rescued during evacuation prior to the Persian invasion. If the former, it was likely deemed a memento of the previous state of the shrine and warranted preservation, and if the latter, it is tempting to view it as a cult image of some kind. Both possibilities support the idea that the statuette depicts a goddess, and allows a *terminus ante quem* for cult activity to be fixed even more firmly in the sixth century.

In the end, one has some evidence for cult activity at Rhamnous in the sixth century, but a specific link with *Themis*-cult is missing. Only in light of the later evidence provided by the pair of fourth/third-century inscriptions can the goddess' worship be confirmed, and (via the eponymous dating formula) indicate retrospectively the local importance of her priestess and that of Nemesis. There is no doubt that *Themis* was important at Rhamnous, but the chronology is uncertain. One cannot ignore the significance of the fact that the evidence for cult is late. Moreover, evidence from the fifth century on suggests that Rhamnous was devoted primarily to Nemesis,³² and the presence of the one divinity need not imply that of the other. The details of the goddesses' relation to one another remains obscure. Stafford is of two minds: she posits (on the one hand) an increased focus on *Themis* based on the Cleisthenean reform, which grouped Rhamnous with Marathon, Oinoe and Trikorythos as the coastal trittys

³¹ Petrakos (1982: 136-7; 1987: 302-3).

³² A helmet was dedicated to Nemesis *ca.* 475 BCE. See further Stafford (2000: 59, 82ff.); Miles (1989: 138, n. 4).

of IX Aiantis. Given the new, formalized grouping, she proposes, there may have been an increased agenda for ‘social order’ at the deme’s major sanctuary.³³ Conversely, on the opposite assumption that *Themis*’ cult was primary, she posits Nemesis’ association with the victory at Marathon as the occasion for the latter’s emergence at Rhamnous, an emergence that would ultimately overshadow *Themis*’ prominence at the site by the end of the fifth century. Both explanations are viable, but the fact remains that cult activity—as revealed by the sixth-century structures—predates both Cleisthenes and Marathon. At least one of the goddesses (and possibly both) was worshipped at Rhamnous in the sixth century, and neither Cleisthenes’ reforms nor the victory at Marathon help elucidate the state of cult in that earlier period. It is unclear whether Nemesis’ fifth-century prominence is a new development coming at the expense of an earlier cult of *Themis* (who nonetheless remained important), or whether *Themis*-cult was a later accretion to the site’s primary divinity prompted by new ‘social concerns’ arising from Cleisthenean reform. Although Stafford is doubtful about an early role for *Themis*, we simply do not know.³⁴

What can be asserted is that the pairing of *Themis* and Nemesis has special force at Rhamnous and likely reflects a concern for propriety.³⁵ For inasmuch as Nemesis embodies the idea of retribution, it makes good sense to interpret her as the avenger of violated *Themis*. In this respect, the worship of *Themis* at Rhamnous is more likely to involve her traditional aspect as a goddess related to order and justice. For my purposes, the connection to order is comparable to the situation in Thessaly, which certainly dates to a period before the sixth century. Even though we cannot ascertain at what point *Themis*-cult appeared at Rhamnous, there is no evidence to suggest a *chthonic* aspect of the divinity or any connection to oracular

³³ Stafford (2000: 60).

³⁴ Stafford (2000: 60).

³⁵ Corsano (1988: 104).

utterance. It appears that one prays to *Themis* to preserve good order, and to Nemesis to avenge its violations.³⁶ The traditional aspect of *Themis* familiar from epic continues to persist.

ii. Themis and Early Oracles: Dodona and Olympia

The cases of Thessaly and Rhamnous reveal no cultic association between *Themis* and Gaia or *Themis* and oracles, facts which I have suggested are consistent with worship of the goddess in her traditional aspect. Distinguishing the goddess' traditional aspect is important because, as soon as one surveys the evidence concerning the major oracular shrines, one finds repeated attestations of *Themis* that seem to indicate a separate, oracular aspect of the goddess. The most famous example is the 'previous owners' myth concerning the Delphic oracle, in which a sequence of *chthonic* goddesses pass down the oracle, ultimately to Apollo himself.³⁷ The evidence for Dodona and Olympia also attests to *Themis*' presence, but closer examination of the evidence for these oracular shrines reveals that *Themis*' presence is either a later accretion or only tenuously affiliated with the oracle itself, and in either case, no early oracular role for the goddess is certain. Irene Berti has argued that *Themis*' function at the oracular sites of Dodona and Olympia is never autonomously oracular: she does not herself possess the oracle in either case, but is simply associated with the divinity who does.³⁸ Berti's conclusions offer a way forward to my further conclusions: while it is certain that *Themis* is associated with Gaia and Zeus already in Hesiod, both her connection to Gaia in cult and her role as a specifically oracular goddess are later and mark a new aspect of the goddess into which she gradually grows.

³⁶ The dependence on Gaia is part and parcel of the so-called 'epithet theory' which gives rise to the evolutionary position discussed above. Stafford (2000: 67) argues that "nowhere have we seen evidence to support the theory that Themis originated as an epithet of Earth."

³⁷ Aesch. *Eum.* 1-8. I will discuss this myth separately in the next section (pp. 139-45, *infra*).

³⁸ Berti (2002).

We owe our knowledge of *Themis*' affiliation with the sanctuary of Zeus at Olympia to Pausanias, who notes an altar of *Themis* near the so-called *stomion* and describes a chryselephantine statue of the goddess in the *cella* of the temple of Hera.³⁹ Pausanias' evidence is important inasmuch as it posits a long history of *Themis*-cult at the sanctuary: he attributes the statue to the Lakedaïmonian craftsman Dorikleidas, and others have offered a mid-sixth century date for the work.⁴⁰ The altar of *Themis* is similarly noteworthy because it is mentioned immediately following a reference to the presence of an ancient oracle of Gaia there. The suggestion of a long oracular tradition at Olympia with which *Themis* may very well have been affiliated is consistent with the antiquity of the shrine,⁴¹ and, given her mythological role as daughter of Gaia and wife of Zeus, it is easy to group Gaia, *Themis* and Zeus together in speculating about the oracle's origin and development.

The problems with a purported oracular role for *Themis* at Olympia, however, are that a statue does not an oracle make, and that there is absolutely no evidence to suggest that *Themis*' role at Olympia was in any way oracular. She is absent from the epigraphical record, and while the juxtaposition of her altar with that of the 'oracular' Gaia in Pausanias' account represents their geographical proximity on the one hand,⁴² as Pausanias immediately admits, he is enumerating the altars in the order followed by the Eleans in their sacrifices.⁴³ Given that, as Catherine Morgan notes, there were over seventy altars in the Altis,⁴⁴ it is a stretch to ascribe particular significance to an individual pairing that itself reflects a ritual sequence; a

³⁹ Paus. v, 14, 10; v, 17, 1. This temple is the oldest structure at the site, and as Morgan (1990: 42) notes, may have been initially dedicated to Zeus as well. For the temple to Zeus was not constructed until 470-456 BCE.

⁴⁰ Stewart (1990: 107, 242.)

⁴¹ Activity can be traced back to the tenth century: see Morgan (1990: 26).

⁴² Berti (2002: 228) notes a high concentration of female cults were attributed to the northern area of the Altis, on the Kronos Hill with which the Gaion and the altar of *Themis* are identified.

⁴³ τῆ δὲ τάξει τῆ Ἡλείων ἐς τὰς θυσίας συμπερινοστοῦντα, Paus. v, 14, 10. Cf. Dietrich (1965: 170).

⁴⁴ Morgan (1990: 42).

lot of gods and goddesses were worshipped at Olympia. Even the significance of Dorikleidas' statue is undermined by the larger pantheon in whose company it appears. For in the *cella* in which Pausanias observed the statue, *Themis* is but a minor figure: Pausanias first describes images of Zeus and Hera which are crude (*ἀπλᾶ*) before listing the various other figures surrounding them: there are chryselephantine images of the Horai, *Themis*, the Hesperides, Athena, Korê and Demeter, Apollo and Artemis, Leto, Tychê, Dionysos, Nikê, later works depicting Hermes with Dionysos, Aphrodite, a naked child, and even images of the powerful Macedonian women Olympias and Eurydice (wife of Aridaeus).⁴⁵ The images of Zeus and Hera are primary and their crudeness is likely a testament to their antiquity and importance, as befits the early temple's purpose. The other statues are, by implication, secondary: when Pausanias specifies that the later works (Hermes & Dionysos, Aphrodite, etc.) were dedicated (*ἀνέθεσαν*, v, 17, 3), it is unclear whether this comment extends also to the earlier group of chryselephantine figures with which *Themis* was grouped. Just as the proximity of *Themis*' altar to that of Gaia does not necessarily reflect a shared oracular capacity, but rather ritual order and the grouping of female goddesses in the northern area of the Altis, so too the presence of *Themis*' statue indicates no specific connection with Gaia, Zeus, and the oracle at Olympia: in Pausanias' account of the temple of Hera, the pairing of Zeus and Hera is primary, and while it is easy to argue that *Themis*' traditional relation to Zeus explains her statue, it may equally be the case that the statue is an unrelated votive. The crucial point, however, is that there is no suggestion of an oracular role for *Themis*.

In short, there is actually no evidence for an early relationship between *Themis* and the oracle at Olympia. Pausanias suggests that there was an ancient oracle of Gaia, and on his authority scholars reasonably posit an ancient cult of Gaia. Berti takes up the reference to the

⁴⁵ Paus. v, 17, 1-4.

oracle and argues that the ash altar of Gaia and the reference to a *stomion* (i.e. a chasm in the earth) further suggest the antiquity of cult.⁴⁶ But even assuming that the sixth-century statue of *Themis* similarly reflects the antiquity of a *Themis*-cult at Olympia, one need not connect the two goddesses, especially in terms of some oracular function. Berti remains unconvinced of any relationship between *Themis* and Gaia: the oracle “belongs, in the strictest sense, to Gaia.”⁴⁷ The crucial point for Berti is that *Themis* is not an autonomous oracle at Olympia. As I have attempted to demonstrate in supplement to her point, her statue may very well be votive, and *Themis* may simply have been one of the many female goddesses worshipped in the Altis. Pindar may subsequently speak of Olympia as *δέσποινα ἀλαθείας* (O. 8.2), but there is no evidence that *Themis* had any affiliation with the site’s oracle.

The situation at Dodona is even less reliable than Olympia, and once more, *Themis* possesses no conclusive or autonomous oracular function. There is no suggestion that anyone other than Zeus ever held the oracle,⁴⁸ and *Themis*’ affiliation with the shrine is extremely tenuous. But Dodona is an anomalous shrine in many respects. There is no trace of a temple structure before the late-fifth century, which makes the Iliadic comment that the Helloi had unwashed feet (16.235) appear literal: without a temple, the cult was practiced outside in the open.⁴⁹ What little we know about *Themis* derives from later sources: a lead tablet dating to the early third century BCE begins *ὦ Ζεῦ καὶ Θέμι καὶ Διώνη Νάϊοι*.⁵⁰ On the basis of this tablet alone, which associates *Themis* not only with the sanctuary’s primary divinities and with

⁴⁶ Berti (2002: 228).

⁴⁷ Berti (2002: 231).

⁴⁸ Dodona is already Zeus’ at *Il.* 16.232-5; *Od.* 14.327ff.; 19.296ff.

⁴⁹ Dakaris (1971: 39-40); Eidinow (2007: 61). Janko (1992: *ad* 16.234-5) discusses the ritual significance of the unwashed feet.

⁵⁰ The full text is printed in Dakaris (1967: 50). I will discuss it in greater detail shortly (see pp. 152-3, *infra*).

the oracle's owner, but also in their particular aspect of Naia,⁵¹ Dakaris concludes that *Themis* had an important cult role at Dodona, going so far as both to posit a “divine trinity” and to identify building Z as her temple.⁵² The temple, coincidentally, probably dates from the third century (330-232 BCE⁵³)—a span roughly contemporaneous with the tablet. A further tablet from the fourth century BCE mentions the goddess in connection with Apollo, but is too fragmentary to draw further conclusions.⁵⁴ Sadly, we still await the full publication of the Dodona tablets, which might offer more insight into the goddess' role.⁵⁵

Two tablets, then, comprise the whole of *Themis*' attested presence at Dodona. Dakaris is no doubt correct to draw attention to the attestation of *Themis* Naia: the pairing of Zeus and Dione is unique to Dodona, and the extension of their characteristic epithet to *Themis* certainly suggests an affiliation with the oracle which was central to the shrine. The third-century date, however, is quite late, and explaining the relationship between the three divinities ought not to default to an explanation that reflexively posits an early role for *Themis* that, in fact, infringes upon Dione's. For Aphrodite is also prominent at Dodona, and Strabo attests that even Dione's role arose later.⁵⁶ Given that the oracle is already Zeus' in Homer,

⁵¹ Dione is bound closely with Zeus; many of the lead tablets address her and Zeus jointly (see Roberts [1880: 231ff.; 1881: 102ff.]).

⁵² Dakaris (1971: 52; 1996: 20).

⁵³ Dakaris (1971: 52).

⁵⁴ See Dakaris (1967: 49). A further inconclusive piece of evidence is SIG² 793, an inscription in which a community of Mondaeans inquires about loaning the silver of *Themis*. But since this money is likely possessed by a local shrine to *Themis*, it is unlikely that the inscription attests to the presence of *Themis*-cult at Dodona.

⁵⁵ Forthcoming from Anastasios-Ph. Christidis, Sotiris Dakaris and Ioulia Vokotopoulou. Eidinow (2007: 72-124) has catalogued the published oracles, and included some unpublished ones presented by Christidis before his passing away.

⁵⁶ Strabo (vii, 7, 12) indicates that the prophets at Dodona were originally male, but that this subsequently changed: ὕστερον δ' ἀπεδείχθησαν τρεῖς γραῖαι, ἐπειδὴ καὶ κύνναος τῷ Διὶ προσαπεδείχθη καὶ ἡ Διώνη (“later three old women were appointed, when Dione was declared an associate of Zeus”).

suggestions of an original earth-oracle ring false.⁵⁷ Other explanations are possible, for by the third century (if not well before), Dione is a minor figure outside of the precinct of Dodona. Despite the fact that at Dodona Dione had a temple adjacent to Zeus' from the second half of the fourth century,⁵⁸ it is relatively unsurprising that another goddess with oracular connotations and who was also a wife of Zeus was grafted onto a primary pairing of Zeus and Dione. Everyone knows who Zeus is, but by the third century a consciousness of Dione may have required supplement in the form of a more recognizable oracular figure. As Berti tentatively posits,

Themis therefore seems to emerge as a figure who is both identical with and alternative to Dione, as a 'shadow-wife' almost completely lacking an independent cult...⁵⁹

Themis may very well have come to play a role at Dodona, but the fact that she appears as an avatar of Dione in the third century is no reason to posit an early role for the goddess at the site. The oracle is unanimously held by Zeus, and it is not even clear to what extent *Themis*-cult at Dodona—if, in fact, there was one—was independent; Dakaris ascribes an entire building to her on the basis of a single tablet.

The fact that evidence for *Themis* emerges later, potentially as an appropriate pseudo-spouse and oracular figure in supplement of Dione, is fully consistent with the argument of this chapter, namely, that her oracular capacity is a later extension of her worship. There is no reason to believe that *Themis* played an early and important role at the oracle of Dodona, apart from the assumption that the oracle there was (in some form) *chthonic*. As we will see in the

⁵⁷ Pausanias (x, 12, 10) cites a prayer that links Zeus with mother earth: Ζεὺς ἦν, Ζεὺς ἐστὶ, Ζεὺς ἔσσειται· ὦ μεγάλε Ζεῦ, / Γὰ καρποὺς ἀνίει, διὸ κλήξετε ματέρα γαίαν (“Zeus was, Zeus is, Zeus will be: o great Zeus. Gaia supplies produce, so praise Gaia as mother”). So Nicol (1958: 133ff.) posits an original Gaia-cult whence Dione’s emerged: “Principally, and essentially in so far as [Zeus] was oracular, he must have been chthonian, for the giving of oracles was a chthonian prerogative.” Such assumptions are based on the ‘previous owners’ myth of Delphi (as I will soon discuss), and their logic is circular.

⁵⁸ Dakaris (1971: 50-1).

⁵⁹ Berti (2002: 230).

subsequent section, the promulgation of the Delphic ‘previous owners’ myth spread the suggestion of *Themis*’ oracular role, and the fact that the key tablet at Dodona similarly groups her with the Zeus and Dione may imply Delphic influence. But it is not clear that the oracle was *chthonic* in some form or another, and as pertains to *Themis*, there is barely evidence to suggest cult in any form, let alone one that is *chthonic* or oracular in nature.

iii. Delphi and the ‘Previous Owners’ Myth

The final oracular shrine with which *Themis* is affiliated is Delphi, and in many respects, her role at Delphi is the wellspring of the commonplace assumption of a *chthonic*, oracular capacity at other shrines. But the case of Delphi is unique inasmuch as there is, at last, a clear indication of an oracular function (as opposed to the chimerical cases of Olympia and Dodona). The problem with *Themis*’ role at Delphi, however, is that the evidence is once again quite late. Far from indicating an original cult of the goddess stretching back into the Dark ages or Mycenaean period, the evidence derives from a fifth-century myth preserved in Aeschylus’ *Eumenides*. Every analysis concerning *Themis* which posits her as an essentially *chthonic* divinity with oracular capabilities derives from her role in this Delphic myth; on its basis, the oracular capacity is projected into the mythological past, from which point it spreads like wildfire. The extent of this construction has been analyzed in detail by Christiane Sourvinou-Inwood, who demonstrates that every assumption of an early oracular capacity for *Themis*, not to mention a *chthonic* aspect affiliated with Gaia, derives from it.⁶⁰

In the prologue to the *Eumenides*, the Pythia offers a history of the Delphic oracle which casts its origins deep into mythological history. This account has subsequently come to be known as the ‘previous owners’ myth:

Πρῶτον μὲν εὐχῆ τῆδε πρεσβεύω θεῶν

⁶⁰ Sourvinou-Inwood (1987). Vos (1956: 62-7) also argues that there is no early connection with Delphi.

τὴν πρωτόμαντιν Γαίαν· ἐκ δὲ τῆς Θέμιω,
 ἣ δὴ τὸ μητρὸς δευτέρα τόδ' ἔξετο
 μαντεῖον, ὡς λόγος τις· ἐν δὲ τῷ τρίτῳ
 λάχει, θελούσης, οὐδὲ πρὸς βίαν τινός,
 Τιτανὶς ἄλλη παῖς Χθονὸς καθέζετο
 Φοίβη· δίδωσιν δ' ἣ, γενέθλιον δόσιν,
 Φοίβῳ· τὸ Φοίβης δ' ὄνομ' ἔχει παρώνυμον. (1-8)

In this prayer I give first position among divinities to Gaia, the original prophetess, and after her to *Themis*, who was second to hold this prophetic seat after her mother, as the story goes. And with *Themis*' assent, a third goddess was allotted the oracle—Phoebe, another Titan child of earth—and by means of no violence she held the seat. And Phoebe then gave it to Phoebos as a birthday gift, and from 'Phoebe' he took the derivative name 'Phoebos'.

According to the 'previous owners' myth, *Themis* is unequivocally an oracular goddess whose prophetic capabilities stem from her relationship with her mother Gaia, and who was a prior holder of the Delphic oracle. The problem, however, is that such a portrayal of *Themis* is wholly unattested prior to the *Eumenides*. There is simply no indication that the myth was in circulation prior to 458/7,⁶¹ and this fact, when combined with the novel, oracular role for *Themis*, leads to the suspicion that the myth is an innovation. Instead of presenting a viable history for Delphi, the myth projects an original oracle of Gaia at Delphi deep into mythological history which cannot be corroborated by either archaeology or myth.⁶²

Far from being transparently historical, the myth has a clear literary function: it has long been noted that the prologue's account of the peaceful transmission of the oracle at Delphi foreshadows both the peaceful conclusion of the *Eumenides* as well as the thematic emergence of Olympian preeminence over *chthonic* forces that is dramatized over the course of the *Oresteia* trilogy. Furthermore, the myth actually announces its innovation: while the

⁶¹ The earliest material evidence at Delphi linking *Themis* to the oracle is preserved in fifth-century letter forms on a statue-base. See Corsano (1988: 106-7); Roux (1976: 21). The inscription was first published in Courby (1927: 163-5). Even the famous red-figure *kylix* attributed to the Codrus Painter that depicts *Themis* on a tripod (Berlin F2538) is dated *ca.* 430.

⁶² I will treat the myth here; for the archaeology, see pp. 155-60 (*infra*).

qualifying remark ὡς λόγος τις (4) implies that the report of Delphic myth corresponds to common knowledge, the very fact that the remark is made hints that the reality is far from the case. The phrase indicates the existence of a tradition surrounding Delphi and marks the poet's intention to allude to it.⁶³ The phenomenon, known as the 'Alexandrian footnote', is commonplace in Hellenistic and Latin poetry,⁶⁴ but has not been treated with the same detail in the poetry of the archaic and classical periods, due to scholarly resistance to the idea (they are no doubt unsettled by the idea that a purportedly Alexandrian phenomenon is not so Alexandrian after all).⁶⁵ By means of the 'footnote', the poet has the Pythia draw attention to the existence of a mythological tradition, and that this happens in the prologue to the play privileges both the myth and its departure. The literary significance of the 'previous owners' myth—its position in the text, thematic importance for the play and trilogy as a whole, as well as the implications of the Alexandrian footnote it contains—suggests not that its historical accuracy be taken for granted, but rather that its innovation be noted. The lack of prior evidence for the myth supports the suggestion: the myth appears very much like an innovation of Aeschylus' devising, the first emergence of which can be pinpointed to 458/7.⁶⁶

If the reasons for Aeschylus' decision to include the myth in the *Eumenides* are literary and not historical or reflective of a mythological tradition, the afterlife of the 'previous owners' myth reveals, in contrast, that, for whatever reason, it became quite popular. As we will see in

⁶³ So Vos (1956: 63).

⁶⁴ See Ross (1975: 78); Hinds (1998: 1ff.). The footnote is flagged by the expressions 'dicitur', 'fama est', and 'ferunt', the Greek equivalent to which is λόγος τις (*vel sim*).

⁶⁵ E.g. Pindar, *N.* 9.6; Aesch. *Supp.* 293-4; Soph. *Tr.* 1; *Ant.* 829; *El.* 417; Eur. *Hel.* 18; *Her.* 26; *IT* 563. Cf. Davies (1991: *ad* 1), who stresses that such admissions are "idiomatic in the context of mythological *exempla*."

⁶⁶ The scholiast to the *Eumenides* notes that Pindar also preserves a version of the myth, but his version does not include *Themis* or an oracle: the transfer appears to be from Gaia to Apollo: Πίνδαρος φησι πρὸς βίαν κρατῆσαι Πυθοῦς τὸν Ἀπόλλωνα: διὸ καὶ ταρταρῶσαι ἐζήτει αὐτὸν ἢ Γῆ (Σ in Aesch. *Eum.* 5b [Smith]=Pind. fr. 55).

the next chapter, the trend in some sense predates Aeschylus: he himself seems to have taken up the semantic connection to oracular utterance first glimpsed in the Homeric *Hymn to Apollo* and applied it to his innovation on Delphic myth.⁶⁷ Both Pindar and Euripides also invoke and diverge from his version of the ‘previous owners’ myth,⁶⁸ with the result that in later centuries, *Themis* is strongly—if not primarily—associated both with oracular utterance and Delphi especially.⁶⁹ Plutarch’s testimony that *Themis* ‘took part in the oracular responses’⁷⁰ has been particularly privileged in light of his well known role as a priest at Delphi. At Athens, furthermore, her cult is eventually collapsed into Gaia’s;⁷¹ this development may further reflect the origins of the myth but certainly indicates that such an innovation would not have been particularly troubling for an audience at the theater of Dionysos.⁷² The prominence of the myth following 458/7, when compared to the silence surrounding *Themis*’ oracular capacity in prior myth and cult activity, answers the question of how such an oracular capacity was projected onto archaic *Themis*: the widespread dissemination of this myth (and of others from the same period⁷³) dyes our perspective on early *Themis*. In short, because there is both a fifth-century myth from a serious tragedian which claims that the original holders of the Delphic oracle were Gaia and *Themis* and also a subsequent tradition to the same effect, it has been assumed that *Themis* is both connected to Gaia in cult (as a *chthonic* deity) and originally possessed an oracular capacity. The problem, as I have argued in the preceding discussions, is

⁶⁷ See pp. 173-90 (*infra*) for a thorough discussion of the *Hymn to Apollo*.

⁶⁸ Pi. fr. 55; E. Or. 163-5; IT 1242-82.

⁶⁹ ἢ καὶ Φοῖβον ἀνακτα θεμιστοσύνας ἐδίδαξε· (Orph. h. 79.6); D.S. 5.67.3; Paus. x, 5, 5; Ovid, *Met.* 1.318ff., 375ff., etc.

⁷⁰ He writes that Herodotus’ description of Cleisthenes bribing the Pythia (v.63) deprives the shrine of the credit for a noble prophecy worthy of its companion *Themis*: ἀφαιρούμενος δὲ τοῦ θεοῦ μαντεῖαν καλήν καὶ ἀγαθὴν καὶ τῆς λεγομένης συμφροφητεῦειν Θέμιδος ἀξίαν (*de malig.* Herod. 860d).

⁷¹ See p. 123, n. 2 (*supra*).

⁷² A further indication of this aspect is the presence of the hybrid Gaia-*Themis* in *Prometheus Bound*, who is, as Prometheus puts it, “one figure with many names” (πολλῶν ὀνομάτων μορφὴ μία, 210). See 261-5 (*infra*).

⁷³ See the discussion of *Isthmian* 8 (pp. 202-24, *infra*).

that there is no evidence to suggest that either is the case. Nor am I alone in suggesting as much.

In a systematic study from 1987, Christiane Sourvinou-Inwood forcefully suggested that any purported affiliation of *Themis* with Gaia and oracles in the archaic period reflected a circular logic wholly dependent upon the ‘previous owners’ myth at Delphi. For one thing, the evidence placing Gaia at the site dates from the fourth century, and all of the elements of Apollo’s Delphic cult which purport to reflect a legacy from Gaia are consistent with other cults of Apollo.⁷⁴ Her argument also demonstrates how the ‘previous owners’ myth, on the one hand, both takes up and elaborates on the pattern of divine succession familiar from Hesiod as well as the link between Apollo’s oracle and Zeus’ sovereignty from the Homeric *Hymn to Apollo*.⁷⁵ For Sourvinou-Inwood, the myth expresses the perception that “at Delphi the chthonic, dangerous, and disorderly aspects of the cosmos have been defeated by, and subordinated to, the celestial guide and law-giver.”⁷⁶ Gaia is presented as the chief representative of the former, gradually replaced by a younger generation which is more explicitly bound up with law and order—a familiar Hesiodic motif. While in the *Eumenides* the peaceful transmission of the oracular seat has thematic significance, other versions of the ‘previous owners’ myth disagree in this respect: in both Pindar and Euripides, Apollo acquires the oracle by force. But even the use of force recalls both the Homeric *Hymn to Apollo* and the *Theogony*: there, the slaughter of a dangerous, *chthonic* monster symbolizes the foundation of order—the defeat of the she-dragon mirrors that of Typhon.⁷⁷ For Sourvinou-Inwood, the ‘previous owners’ myth “contains formal elaborations of the motifs and notions which appear

⁷⁴ Sourvinou-Inwood (1987: 221ff.). Vos (1956: 62

⁷⁵ I will discuss the *Hymn to Apollo* on its own terms in the next chapter.

⁷⁶ Sourvinou-Inwood (1987: 225-7). The discussion which follows is a condensed form of her argument.

⁷⁷ See also Fontenrose (1959: 70-93).

in a simpler (and wilder) form in the *Homeric Hymn*'s dragon-killing," which suggests that "the Previous Owners myth was later than [the myth of] 'Apollo's foundation of the oracle'."⁷⁸

The key point in Sourvinou-Inwood's argument is that the melding of the 'succession myth' pattern with the 'foundation of the oracle myth' created a gap between the oracular role of Gaia which was projected into the mythological past and the new cosmic regime under Zeus, at the point of whose succession the future holder of the oracle, Apollo, had not yet been born. She explains as follows:

Thus, when the oracle acquired a pre-Apolline past, the myth created a 'space' for an intermediate figure, defined by the traits (a) 'older goddess somehow associated with Gaia' (for the structuring schema was 'Apollo replaces an older goddess', and its established form involved Gaia) and (b) figure associated with values pertaining to Zeus' order.⁷⁹

Themis is the ideal figure to fill this gap: she is on the one hand a daughter of Gaia and of an earlier generation of divinities, and yet very much affiliated with Zeus' order. It is her mediating role which is crucial to the myth; in different versions of the myth, different aspects of *Themis* are emphasized: in *Iphigeneia among the Taurians*, she is connected primarily with her mother as the primitive, *chthonic*, female holder of the oracle in conflict with the masculine and Olympian father-son pair Apollo-Zeus (esp. 1259ff.),⁸⁰ but in the *Eumenides*, her role as a previous holder of the oracle serves to foreshadow the legitimization of Apollo's commands to Orestes and, accordingly, emphasizes rather her traditional affiliation with Zeus. No single role is attributed to *Themis* in the versions of the myth because she serves primarily as a mediator. In this respect, it is especially noteworthy that in neither version is she autonomously an oracular figure. Instead, *Themis*' connection to the oracle is a by-product of the myth's structure. It is not so much her relationship to Gaia or the oracle—in either myth

⁷⁸ Sourvinou-Inwood (1987: 228).

⁷⁹ Sourvinou-Inwood (1987: 229).

⁸⁰ Apollo's hostility to Gaia also seems to appear in Pindar (fr. 55; see p. 141 n. 66, *supra*).

or in Delphic cult—that prompts her inclusion in the myth, but rather her mediating position between Gaia and Zeus.

In short, given the myth’s employment of traditional mythological paradigms and its varying literary functions, not to mention the fact that it developed the link between Gaia and *Themis* present in tradition (and subsequently elaborated in Athenian cult), it is unsurprising that it became very popular. Popularity does not ensure antiquity, however, and the lack of prior evidence for an oracular *Themis* at Delphi, when coupled with the myth’s interaction with the Homeric *Hymn to Apollo*, indicate that the myth was not in fact traditional, but an innovation that the evidence suggests ought to be attributed to Aeschylus. But the innovative role of *Themis* in the myth is only one half of the argument; innovations of this sort, as we will shortly see, are not out of place at Delphi.⁸¹ For as soon as one examines the history of the Delphic oracle, there is little space for ancient cults either of *Themis* or of Gaia, let alone an oracular capacity for them. Yet there are a number of famous features of Delphic cult that are not traditional, which suggests that the shrine was particularly interested in catering to a variety of interests and clientele.

c. The Cases of Dodona and Delphi

i. Introduction

The early practice of oracular divination is poorly understood. As Herbert Parke has pointed out, the Homeric epics (which comprise our earliest evidence) are aware of the major oracular shrines “to a very limited extent”.⁸² The poems include some enigmatic references to Dodona, but Delphi is as yet barely an oracular shrine; only the mention of a quarrel between

⁸¹ Although I have just suggested that the mythological innovation is Aeschylus’, it remains possible that the Delphic priesthood promulgated a version of the myth which the dramatist subsequently incorporated for his own purposes.

⁸² Parke (1967: 16).

Odysseus and Achilles attests that Delphi was known to the poet as an oracle of Apollo.⁸³ The normal mode of divination in Homer, instead, is mantic or intuitive; one seeks a *mantis* or interprets phenomena and omens.⁸⁴ The lack of evidence for oracles suggests their relative novelty in the later Dark age/early archaic period: this form of divination may have simply been unknown to the epic bard, may not yet have penetrated the epic vocabulary, or (alternatively) may have been willfully suppressed.⁸⁵ For Homer, some combination of the first two possibilities is most likely. The epic cycle, in contrast, is markedly richer in oracular pronouncements.⁸⁶

From its beginning, oracular divination appears to be bound up with travel, and specifically, the salvation of voyagers. Much of the earliest evidence for historical oracles involves the phenomenon commonly called colonization (for ‘period of widespread displacement and (re)settlement by states and individuals alike’ does not have the same ring), and certainly the later memory of this colonizing period imparts a central role to oracular guidance.⁸⁷ But while it has been recognized, few have really stressed the extent to which archaic oracles concerned themselves with this unique kind of salvation. The reasons are threefold: in the first case, colonization is simply a name given to the complicated period of

⁸³ *Od.* 8.79. Cf. *Il.* 2.519, 9.405. Pace Lloyd-Jones (1976: 60); the shrine is not well established.

⁸⁴ See Bouché-LeClercq (1879: i.273ff.), Parke (1967: 13-9). In the *Iliad*, reference to the Helloi at Dodona speaks to the importance of interpreters (*ὑποφῆται*): see *Il.* 16.232-5. The figure of the military *mantis* familiar from the *Iliad* persists through the age of Alexander: see Pritchett (1979: ch. 3 *passim*). The *Odyssey*, admittedly, is somewhat more novel in the forms of divination it depicts: one thinks immediately of the *nekuia* of book eleven, and there is also the anomalous instance of Theoclymenos’ harrowing vision prior to the suitors’ slaughter: see Parke (1967: 15-6).

⁸⁵ As, for example, hero-cult was: see Currie (2005: 48ff.); cf. Parker (1996: 36); Johnston (1999: 11).

⁸⁶ Griffin (1978: 48) cites Kullman (1960: 221) who counts some seventeen prophecies and oracles in the cyclic fragments, suggesting a highly deterministic quality.

⁸⁷ See Malkin (1987: esp. 31-91), who makes similar conclusions about the religious element of the phenomenon. Cf. Osborne (1998) for the disparity between later traditions and the polyvalent activity of early colonization. Despite Osborne’s concerns, I will continue to speak of a ‘colonizing period’ in my discussion, though ‘period of (re)settlement’ may be a more appropriate term: so Graham (1964: 4-22), who notes the difficulties taken up by Osborne, but who still treats the relations of mother-cities and colonies as cohesive.

displacement and settlement by both states and individuals; second, there is simply very little evidence for Dodona, which complicates any reconstruction of this oracle's earliest concerns. Lastly, from an early period, Delphi began to concern itself with matters beyond travel or colonization, taking on a legislative role vis-à-vis *poleis'* political and religious concerns. In what follows, I will trace the early histories of the oracles at Dodona and Delphi, and attempt to establish a fairly basic point: oracles were originally concerned with matters of travel and salvation, but what distinguishes Dodona and Delphi is that, while the former largely persisted in its traditional affiliation, the latter was willing, from an early point, to offer advice on a variety of matters. To use the language of economics, Delphi catered to market demand in the seventh and sixth centuries to a greater extent than Dodona did, and positioned itself so as to make it a more attractive divinatory shrine.⁸⁸ The result was that Delphi rose to prominence over and above its more ancient and venerable rival. The Delphic shrine's dynamism and openness to innovation—already glimpsed in the 'previous owners' myth—is the crucial differentia distancing it from the more conservative attitude of Dodona.

ii. πόμπιος ὁ δαίμων: Oracular Divination at Dodona

At Dodona, there is a remarkable consistency in the matters with which it is concerned, especially in literature: from Homer until (at least) the third century, travel—and especially the safety or salvation of travelers—dominates its literary appearances.⁸⁹ Given that Dodona is the oldest and (until the rise of a pan-Hellenic Delphi) most prominent oracle in Greece, its connection to the most traditional of oracular functions is in some respects unsurprising. What is surprising, however, is the extent to which portrayals of Dodona persist

⁸⁸ For a similar account of the rivalry, see Parke (1971: 24-6).

⁸⁹ I stress the consistency of Dodona's literary appearances since the importance of travel in the epigraphic record has effectively been detailed by Eidinow (2007: esp. 72-81). Eidinow is elsewhere less interested in literary consultations (2007: 49), though the few she lists are wholly consistent with what I will argue.

in depicting this traditional function. Although this is by no means the full extent of the shrine's concerns, that it remains primarily associated with salvation in travel suggests a certain conservatism. The shrine remained prominent, but its limited focus, combined with its geographical isolation, stunted its development while its younger rival at Delphi—via a program of innovation—gradually surpassed it in prominence.

For Homer, Dodona is the more important oracular site: Delphi's rockiness (*Il.* 2.519) and wealth (*Il.* 9.404-5) are noted, as is the presence of some sort of threshold (*Il.* 9.404; *Od.* 8.79), but had Demodokos not sung of a prophecy related to Agamemnon (*Od.* 8.73-82), there would be no basis for the assertion that Homer was aware of Delphi's status as an oracle. The case of Dodona, however, is much more interesting. In some respects, it appears related to traditional forms of divination: the *Iliad* refers to certain interpreters (*ὑποφῆται*) called Helloi working there (16.232-5), who are best understood as a *mantis*-priest hybrid. For like the *mantis* Calchas who accompanies the Achaeans to Troy, these Helloi appear to be professional, but instead of being embedded within a particular community, their activity is linked—like priests—to a particular shrine.⁹⁰ The *Odyssey* makes no mention of the Helloi, but its depiction of Dodona also reflects traditional ideas about oracular divination: while in disguise on Ithaca, Odysseus twice predicts his homecoming and reports the rumor that he has gone to Dodona specifically to hear the will of Zeus (*Διὸς βουλήν ἐπακούσαι* 14.327-8=19.296-7). The specific concern with the *boulê Dios* expresses the implicit assumption of divination—namely, that mortals can thereby access, however elliptically, the will of the gods.⁹¹ Even though it requires professional interpretation, oracular divination at Dodona promises access to the divine will.

⁹⁰ On the Helloi, see Janko (1982: *ad* 16.234-5.)

⁹¹ Cf. Hektor's folly (*Il.* 12.231ff.; 13.821-32), and Amphinomos' argument at *Od.* 16.400-5. I will return to the theme of the *boulê Dios* shortly (see pp. 190-200, *infra*).

But despite what appears to be oracles' straightforward promise of access to the divine will, the epic evidence for Dodona reveals a further point of interest. For a common theme links the three Homeric references to the oracle: when Odysseus twice alleges (in disguise) that Odysseus has consulted Dodona, the purpose for which he has done so is consistent: he is seeking a way home—*ὅππως νοστήσει' Ἰθάκης ἐς πίονα δῆμον* (14.329=19.298). Odysseus' consultations of the oracle are framed in terms of travel, and specifically, ascertaining or guaranteeing the means for a safe homecoming (*ἢ ἀμφαδὸν ἢ κρυφηδόν*, 14.330=19.299). That the allegation is a lie does not alter the facts that such a journey is presented as plausible and that the issue is consistent with advice expressed elsewhere by Agamemnon (11.454-6⁹²). The significance of Odysseus' purpose in consulting the oracle is easy to overlook, but consider the other Homeric reference to Dodona, when Achilles prays to Zeus in *Iliad* 16:

*Ζεῦ ἄνα Δωδωναίε Πελασγικὲ τηλόθι ναίων
Δωδώνης μεδέων δυσχειμέρου...*

*αὐτὸς μὲν γὰρ ἐγὼ μενέω νηῶν ἐν ἀγῶνι,
ἀλλ' ἔταρον πέμπω πολέειν μετὰ Μυρμιδόνεσσι
μάρνασθαι· τῷ κῦδος ἅμα πρόες εὐρύοπα Ζεῦ...*

*αὐτὰρ ἐπεὶ κ' ἀπὸ ναῦφι μάχην ἐνοπήν τε δίηται,
ἄκκηθῆς μοι ἔπειτα θεὰς ἐπὶ νῆας ἵκοιτο
τεύχεσί τε ξὺν πᾶσι καὶ ἀγχεμάχοις ἐτάροισιν.*

(16.233-4; 239-40; 246-8).

Lord Zeus of Dodona, Pelasgian, dwelling far away, overseeing ill-wintered Dodona... For I am waiting here by the assembly of ships, but I am sending my friend with many Myrmidons to fight. Deliver glory to him, wide-browed Zeus... and when he has driven the din of battle from the ships, then may he return safely to me by the swift ships both with all his armor and with the companions who fight beside him.

Achilles directs a prayer to Dodonaean Zeus requesting Patroclus' safe return from battle to the Achaean camp. He makes no reference to Dodona as an oracular shrine, but the appeal to

⁹² The scholiast, however, notes that these lines are absent in many manuscripts: *οὐδὲ οὗτοι ἐφέροντο ἐν τοῖς πλείστοις ὡς μαχόμενοι τοῖς προκειμένοις*—they were presumably omitted by Zenodotos.

‘Lord Zeus of Dodona’ is unlikely to imply otherwise. What is crucial is that the context is similar to the fictional consultations in the *Odyssey*. In the face of a dangerous journey in which a life is at risk, a character turns to Dodona either to receive guidance for making a safe return, or (in Achilles’ case) to request it via prayer (since consultation is impossible and he is concerned not for himself, but for Patroclus). If the Homeric evidence is taken at face value, there is a striking consistency: the earliest consultations of the oracle involved a trek of some sort, and (specifically) divining the means of securing a safe return.⁹³ Implicit is the assumption that danger lurks in travel, and that one should turn to Dodona to ameliorate or avoid it.

The context of travel surrounding Dodona in Homer is no accident, for although it has received little attention, Dodona’s marked connection to travel persists in subsequent literary works. In Apollonios, a beam fashioned of Dodonaean oak was built into the *Argo*, and its famous power of speech has a particular reference: it cries out in its “eagerness to depart” (ἐπιπέρχουσα νέεσθαι 1.525), and later advises the crew that their journey requires them to seek purification from Kirke (4.585ff.). In other words, the beam is very much concerned with the journey, and specifically with its safety. The beam is likely part of the Argonautica tradition.⁹⁴ Tragedy also concurs with the role of Zeus’ oracle: Dodona is consulted (along with Pytho) prior to Inachos’ decision to banish Io in *Prometheus Bound* (655ff.), and although the oracles commanding her exile in the play are ultimately Delphic (669), Dodona is

⁹³ Fontenrose’s assertion that “We are sure to consider the oracles of epic and tragedy inauthentic” (1978:11) is too strict: surely there is some significance in their literary depictions. Eidinow (2007: 60) argues that “Homer’s Dodona sounds distant and wild.”

⁹⁴ The voice is traditional, at least as far back as Aeschylus (*TrGF* fr. 20), according to Hyginus. See also Kallimachos fr. 16 (Pfeiffer), Lycophron 1319ff.. Eidinow (2007: 276, n. 69) colorfully describes the beam as the *Argo*’s GPS, but its concern for purification reveals a more specific function.

nonetheless specified as one of her first destinations in exile (829ff.).⁹⁵ After she is hailed there as the wife of Zeus, Io is subsequently roused to further wanderings by the gadfly (836ff.), reinforcing Dodona's liaison to her wandering and safety (for she will ultimately be released). Sophocles also hints at a connection between Dodona and travel: in the *Trachiniae*, Deianeira notes that her knowledge of the circumstances surrounding the end of Herakles' labors was originally revealed to him by the oak at Dodona (169ff.). The cautious scholar might interpret Dodona's relationship to travel somewhat circumstantial on the basis of these tragic uses (Herakles is Zeus' son and Io the object of his affections, after all), but a more expanded discussion in Euripides further reinforces the connection. That Dodona was the appropriate destination for an exile is made explicit by an exchange between Creon and Menoikeus in the *Phoenissae*:

Με. ποῖ δῆτα φεύγω; τίνα πόλιν; τίνα ξένων;
Κρ. ὅπου χθονὸς τῆσδ' ἐκποδῶν μάλιστ' ἔσῃ.
Με. οὐκ οὐν σὲ φράζειν εἰκός, ἐκπονεῖν δ' ἐμέ;
Κρ. Δελφοὺς περάσας... Με. ποῖ με χρὴ, πάτερ, μολεῖν;
Κρ. Αἰτωλίδ' ἐς γῆν. Με. ἐκ δὲ τῆσδε ποῖ περῶ;
Κρ. Θεσπρωτὸν οὐδας. Με. σεμνὰ Δωδώνης βᾶθρα;
Κρ. ἔγνωσ. Με. Τί δὴ τόδ' ἔρυμά μοι γενήσεται;
Κρ. πόμπιος ὁ δαίμων (977-84).

Με. Where, then, might I flee? To what *polis*, what friends?
Κρ. Wherever is farthest away from here.
Με. Is it not for you to advise, and for me to undertake it?
Κρ. Head beyond Delphi... Με. and where should I go?
Κρ. to Aitolian land... Με. and where, then, from this place?
Κρ. to Threspotian terrain. Με. The holy foundations of Dodona?
Κρ. You know it, then. Με. What protection will this place provide me?
Κρ. The god will be your guide.

The phrase *πόμπιος ὁ δαίμων* neatly encapsulates the oracle's connection to travel and salvation suggested in Homer, the *Prometheus*, Sophocles, and Apollonios. Whether one is an

⁹⁵ Griffith (1983: *ad* 829-41) notes that Prometheus "speaks as if we knew already that Io had set out for Dodona, though no such indication was given."

exile, lost, wandering, journeying, or otherwise away from home, Dodona is the appropriate destination for consultation and prayer.⁹⁶ Consulting the oracle, it is implied, can mitigate the danger and uncertainty that are part-and-parcel of being away from home: Dodona traffics in guidance. We are not dealing with coincidence with these references: despite the fact that references to Dodona are not particularly common,⁹⁷ there persists a striking similarity that links many of the site’s literary appearances from Homer to the Hellenistic period.⁹⁸

But the tradition connecting Dodona to wandering is not simply a literary trope. Although one cannot yet consult the corpus of tablets from Dodona *in toto*,⁹⁹ Esther Eidinow’s treatment of the published tablets asserts that travel comprises “the largest category” of the questions at Dodona.¹⁰⁰ Her findings lend epigraphic authority to the literary argument outlined above: of the inquiries she analyzes, those that have been securely dated fall between the sixth and third centuries BCE. In supplement to her discussion, I would like to discuss a further tablet since it provides a chronological bookend to the discussion of Dodona’s early role—the tablet dates from the third century BCE. Once more, Dodona appears as the appropriate venue for making an inquiry concerning safe passage:

ὦ Ζεῦ καὶ Θέμι καὶ Διώνῃ Νάϊοι: Ἀρχεφῶν
τὰν νᾶ: ἄν ἐναυπαγήσατο{ν}, κελο-

⁹⁶ The case of *Phoenissae* is all the more remarkable given the importance of the Kadmos-myth and Delphi in the background of the play: that Menoikeus should “go past” Delphi (*περάσας*) marks a departure. Cf. Mastronarde (1994: *ad* 985).

⁹⁷ I overlook Herodotus’ *logoi* concerning Dodona (ii.52-7), the problems with which have long been noted: see Fehling (1989: 65-70).

⁹⁸ There are further references to Dodona in Sophocles’ *Odysseus Akanthoplêx* (*TrGF* fr. 455-6, 460-1), and Euripides’ *Andromache* (886) and *Archelaus* (*TrGF* fr. 228a.20). The concentration of references in one fragmentary Sophoclean tragedy is consistent with my thesis: as Teiresias predicts at *Od.* 11.126ff., the prerequisite for the appeasement of Poseidon’s wrath and Odysseus’ death is a period of wandering. I conjecture that the four references to Dodona likely pertain to these wanderings. The Euripidean usages are more problematic: Allan (2000: 157, n. 40) and Sourvinou-Inwood (2003: 42-3) separately posit that they indicate a ‘zooming effect’ for an Epirote or Macedonian audience.

⁹⁹ We still await the edition of the full corpus of Dodonaean tablets by the late Anastasios-Ph. Christidis, Sotiris Dakaris and Ioulia Vokotopoulou.

¹⁰⁰ Eidinow (2007: 72).

μένο τὸ Ἀπόλλωνος, ἔχω κατὰ χώ-
ραν· καὶ σωτηρία μοι ἔσσειται καὶ ἐμὴν
καὶ τῆι ναίᾳ αἶκα καὶ τὰ χρέα ἀποδ(ώ)σω;¹⁰¹

O Zeus and *Themis* and Dione Naioi: I, Archephon, now have the ship which was built according to Apollo's command in the area. Will there be salvation both for me and for my ship, if I pay back my debts?

We have already encountered this tablet,¹⁰² but what is strange about it is that the ship of which Archephon makes mention was constructed on Apollo's command, which strongly suggests a prior oracular consultation, most likely at Delphi. This in itself is significant: like Io's case in *Prometheus Bound*, Apollo's oracle initially offers direction to a traveler, but the traveler nonetheless subsequently heads to Dodona. The tablet preempts the objection that Io's case be excused as a literary fiction: one must still explain why, despite receiving the command from Apollo (presumably at Delphi), Archephon travels all the way to Dodona to make a prayer, which seems to amount to an inquiry concerning a safe voyage. For the inquiry's focus is on salvation (*σωτηρία*)—not only for himself, but for his ship as well. The distance between Delphi and Dodona precludes the possibility of accident or coincidence, and in light of the literary evidence it seems likely that the reason Archephon decided that an offering at Dodona was appropriate is because its oracle retained—even in the third century—its particular connection to travel. The concern that Archephon expresses in the tablet is, after all, salvation (*σωτηρία*) for him and his ship. While other appeals to the god generally seek prosperity,¹⁰³ the link here with travel is striking.

¹⁰¹ Printed in Dakaris (1967: 50). Eidinow (2007: 81) cross-references this tablet as 'prosperity/safety 4' (p. 111), but does not include it under the heading 'travel'. Note that Dakaris and Eidinow's original transcription departs from the Leiden convention, which I have restored here.

¹⁰² See pp. 136-7 (*supra*).

¹⁰³ See Roberts (1880: 232ff.). Some of these requests include matters of travel and citizenship (pp. 235-6). Several of Eidinow's categories (2007: 72-81) overlap in their concern for salvation in one form or another.

Geography is the likely factor for the oracle's focus on travel: for any ship sailing westward to Italy, Dodona was the final major shrine before one made the dangerous crossing of the Ionian sea to the Italian peninsula.¹⁰⁴ Not only is Dodona the appropriate place for an offering, then, but, in its oracular capacity, also for gaining insight into the voyage to come. A prior role in colonization lurks: as Eidinow notes, by the sixth century, Peloponnesian, Attic, and Italian influence are all visible, and the shrine was of some international importance.¹⁰⁵ Any colonizing expedition to the west in the eighth and seventh centuries would have sailed past the vicinity of the shrine before crossing the Ionian sea. That Archephon's tablet relates how Apollo commanded him to build a ship is fully consistent with this hypothesis, and demonstrates the persistence of Dodona's traditional role into the third century: he may very well have been one such traveler stopping at Dodona on his way to Italy or Africa.

The shrine's importance for westward travel may have derived from the period of colonization, but persisted long afterwards due to trade and the continuing danger of naval travel. What is striking, however, is that the shrine is associated with its particular function well into the third century; for whatever reason, Dodona persisted in offering advice to travelers well after the period of colonization had drawn to a close, with the result that the literary record surrounding the shrine is remarkably consistent. But the shrine also appears traditional in other respects; recall that there is no evidence for a temple structure before the fifth century. In its heyday, cult was practiced in the open air at Dodona, and the shrine only expanded to include a temple in a period subsequent to that of its pan-Hellenic preeminence, after Delphi had surpassed it. Admittedly, the construction of a temple indicates the continued flourishing of the oracle at Dodona, but nevertheless, this makes the failure to

¹⁰⁴ Eidinow (2007: 63-4) notes that the first state inquires at Dodona come from across the Adriatic.

¹⁰⁵ Eidinow (2007: 61).

construct a temple before the fifth century all the more notable. There must have been either a lack of resources or a lack of will, and the fact that the cult persisted in its traditional, open-air form for a long time suggests the latter. One imagines a stodgy, conservative administration that was both suspicious of change and rigorous in its adherence to traditional forms.

iii. Early History of the Delphic Oracle

The early history of Apollo's oracle at Delphi is nowhere near as glamorous as the later tradition glimpsed in Herodotus and tragedy would have it, and though mysterious, probably not as murky as Dodona's. Archaeological studies have revealed that Delphi was a small, regional shrine for the first few centuries of its existence, and that the oracle did not really come to dominate the settlement until the mid-seventh century. I use the term 'regional' somewhat loosely: for while it acknowledges that early Delphi's influence was not simply local but not yet pan-Hellenic, as a term denoting a mid-point between the two it is somewhat inadequate. The fact that sections of the Peloponnese—Sparta, most notably—consult the shrine from an early point means that its influence is not, strictly speaking, 'regional' (i.e., restricted to Phocis), yet there is no more appropriate term for a prominent-but-not-yet-pan-Hellenic sanctuary. Whatever the problems with the tag 'regional', the point is that pan-Hellenic influence is unlikely in the earliest stages of the shrine's history: the patterns of consultation during the colonizing period are consistent with the position that the Delphic oracle in its earliest life was not simply a local shrine. Furthermore, there is no evidence to suggest any role for *Themis* or *Themis*-cult: we are a far cry from the romanticized Delphi glimpsed of the fifth century and the 'previous owners' myth. There is, as a result, a fair amount of mystery as to how one gets from point 'A' to point 'B': as Irad Malkin points out, "the exact nature and subsequent development and expansion of Delphi's influence escape

us”.¹⁰⁶ In examining the beginnings and the early history of the shrine, I am particularly concerned with specifying the place of Apollo and outlining its status as a relatively minor shrine.

Archaeology has established that there is no clear evidence of cult activity at Delphi until the late-ninth century BCE, and that when it appeared, the shrine initially had only limited significance.¹⁰⁷ The presence of Thessalian/Euboean ceramics suggest a mid ninth-century date for the resettlement of Delphi in the archaic period,¹⁰⁸ and the emergence of a shrine is first suggested by monumental votives some sixty years subsequent to resettlement. In the same period as the monumental votives (*c.* 800 BCE), Corinthian fine pottery begins to appear, which is followed by the appearance of specialist Thapsos ware *c.* 750 BCE. For Catherine Morgan, these pottery patterns suggest Delphi’s position within Corinthian exchange activity in this period;¹⁰⁹ other settlements beyond the plain of Itea show no sign of Corinthian influence on local ceramics outside of major sanctuaries,¹¹⁰ with the exception of nearby Medeon, which she notes had a close relationship with Corinth throughout the Iron Age.

None of the archaeological evidence above, however, says much about the status of the shrine at Delphi, or the practice of oracular divination. There is little to point out beyond the eighth-century Corinthian votives, largely because the shrine and settlement of Delphi co-

¹⁰⁶ Malkin (1987: 22).

¹⁰⁷ See Morgan (1990: 106-7); Price (1985: 129); Fontenrose (1978: 4). I will rely on Morgan’s discussion of the archaeology of early Delphi, even though the details of her argument are far more political in nature than mine.

¹⁰⁸ There is debate about the history of settlement at Delphi: Morgan (1990: 107-13) argues for a break in settlement, citing “stratigraphical separation” between Mycenaean and Iron Age structures. Cf. Amandry (1950: 204ff.) & Dietrich (1974: 224), who argue for continuous settlement of Delphi from the Mycenaean period.

¹⁰⁹ Morgan (1990: 112). She discusses the votives in greater detail on pp. 137-46.

¹¹⁰ For Corinth’s involvement in regional settlement in the eighth century, see Morgan (1990: 113-8).

existed and distinguishing the two archaeologically is practically impossible.¹¹¹ The co-existence of settlement and shrine only reinforces the shrine's small scale; for much of the eighth and seventh centuries, cult activity is spatially indistinguishable from the settlement; the sanctuary grounds encompass both uses. Morgan describes it as follows:

it is impossible to trace the precise balance between settlement and sanctuary at any particular stage of the eighth or early seventh centuries. At the very least, settlement was driven out of this immediate area by sanctuary development in the course of the seventh, or more probably the sixth century...¹¹²

All of this is to say that the shrine at Delphi did not dominate the settlement until the seventh (and possibly the sixth) century, which suggests that prior to that period, Delphi's prominence beyond a limited context was not yet established (even if it was on the upswing). It is by no means a major pan-Hellenic sanctuary at this point. Attention to temple structures on the grounds supports much the same conclusion: evidence for temple construction prior to the mid-seventh century is tenuous.¹¹³ Homer's references to a *λαῖνον οὐδός* imply a structure or boundary of some sort—though not necessarily an elaborate temple¹¹⁴—and the evidence linking other buildings to temple functions is scanty. In determining the date of the early temple structures at Delphi, the best conjecture requires working backwards from the known fact that the pre-Alcmaeonid temple burnt down in 548 BCE. Assuming a lifespan of at least fifty years for this pre-Alcmaeonid temple, most scholars have posited a construction date c. 600 BCE. Morgan, however, based on a comparison of Delphic roof-tiles with those of the temples of Apollo at Corinth and Isthmia (at Thebes), points to a date of construction

¹¹¹ See Morgan (1990: 126-32).

¹¹² Morgan (1990: 129).

¹¹³ See Morgan (1990: 132-3).

¹¹⁴ *Il.* 9.404; *Od.* 8.79. As Garvie (1994: ad 8.80) notes, the same formula refers to the hut of Eumaios (16.41) and is best taken as threshold (cf. *Parm.* fr.1.12 [D-K]). Cf. Price (1985: 130); Hainsworth (1993: ad 9.404-5), who unequivocally refer to a temple.

between 650 and 600 BCE, but certainly not later.¹¹⁵ The mid-seventh century becomes a crucial turning point for the development of Delphi: for the first time, the activity of the sanctuary is clearly distinguished from that of the settlement.

I stress the importance of the mid-seventh century as a turning point for the rise of the Delphic shrine because it rubs up against a well-documented phase in the oracle's history. In the eighth and seventh-century, archaic Delphi was active in the period of Greek colonization, and the case for Delphi's involvement in colonization has been well argued, even if one grants that the phenomenon may be less cohesive than its name would imply and that oracular sanction may have been sought following the establishment of a state or resettlement of an area.¹¹⁶ No matter what the relationship between oracle and foundation or resettlement, *poleis* consulted the shrine to seek guidance and sanction for their settlements abroad, but at the same time, the shrine was not yet as prominent as one would think.¹¹⁷ Even though the historicity of the oracular responses pertaining to colonization has been subject to intense scrutiny,¹¹⁸ they provide a glimpse of Delphi's activity that is, in light of the archaeological evidence, representative of a limited prominence. For the *poleis* consulting Delphi (according to the responses) are largely limited to Corinth and the Peloponnese, not to mention the

¹¹⁵ See Morgan (1990: 133).

¹¹⁶ Even a brief survey of Fontenrose's quasi-historical responses (1978: 278-84) attest to the god's role in colonization between 735 and 640 BCE. I can add nothing to Malkin (1987: 17-21), who thoroughly summarizes the history of scholarship on Delphi, specifically its role in colonization. Cf. Defradas (1954), who denies a connection outright. I note again the objections of Osborne (1998), who considers the period one of widespread settlement by both states and individuals, and who advances the objection that oracular sanction may not have consistently preceded the displacement of individuals prior to the establishment of a colony.

¹¹⁷ See Forrest (1957), whose points inspire Malkin (1987: 23-4).

¹¹⁸ Fontenrose classifies only two of some fifty oracles pertaining to colonization as historical (1978: H6; H14) and Parke & Wormell give qualified approval to fewer than ten, though they clearly trust the historicity of the practice (1956: i.49-81). Parke (1967: 45) notes that other oracles were said to sanction colonization, but since Delphi was most prominent in this respect, "it is probable that this general pattern is correct." He later hypothesizes that "Probably there had been some original enquiry at Delphi which had authorized the foundation, but this had been overlaid by these later legendary versions" (1967: 48). All references to the corpus of Delphic responses will cite both Fontenrose and Parke & Wormell's systems of numeration (the latter in brackets). See next note.

Doric colony Thera near the end of this period.¹¹⁹ Given Morgan's material argument for Corinthian contact in the eighth century, Corinthian consultation of Delphi in the eighth-century is not surprising, nor is that of neighboring *poleis* Argos, Megara, and Achaean Ripai. The attestation of Sparta's consultations is also reinforced both by the presence of votive bronzes and by the tradition surrounding Lycurgus and the so-called 'Great Rhetra' of Delphi which, legend asserts, provided Sparta with its constitution.¹²⁰ Generally speaking, archaeological evidence for eighth to mid-seventh century Delphi accords well with the patterns of consultation attested by the literary record: in both cases contact appears limited to Corinth and parts of the Peloponnese in the vicinity of the Corinthian gulf. We are dealing not with a pan-Hellenic shrine, but with one whose influence is still confined to neighboring regions. Shortly following the end of the colonizing period, the pre-Alcmaeonid temple at Delphi is built, and the site becomes increasingly prominent. One is tempted to connect the dots: it seems fairly clear that the fame of Delphi spread throughout Greece in conjunction with its role in colonization,¹²¹ but even if Delphi were beginning to become more important from a pan-Hellenic perspective by the mid-seventh century, one must still remember that prior to this point archaeology attests that the shrine appears not yet to have dominated the

¹¹⁹ Corinth: Q27 (PW 2); Q31 (PW 229). Ripai (Achaea): Q28-31, 36 (PW 43-5, 229, 525). Sparta: Q34-5, 39 (PW 46-7, 454); Megara or Argos: Q44 (PW 497-8); Thera: Q45-8 (PW 37-8, 40-1). See also Forrest (1957) for Euboean contact with Delphi, which is consistent with the earliest Euboean ceramics. A significant exception is the colonization of Gela by Cretans and Rhodians [Q40-1 (PW 3, 410)], which is called into question as well by Fontenrose (1978: 141-2). Further reference to the corpus of Delphic oracles will list Fontenrose's category and number (e.g. Q58) and Parke & Wommel's response number (e.g. PW 4-5)

¹²⁰ The Spartan connection to Delphi had a long history: see Parke-Wormell (1956: i.82-98). For the bronzes, see Morgan (1990: 168-9), and for the Great Rhetra, see Hammond (1950); Cartledge (1979: 132-6) and responses Q7-10 (PW 21, 29, 216-22). Fontenrose (1978: 5) takes the oracle's role in Spartan constitutional reform as evidence that the oracle had, by 700 BCE, "acquired some pan-Hellenic reputation." Archaeology, however, precludes this possibility: the emergence of the pan-Hellenic Delphi is a seventh-century phenomenon.

¹²¹ See Forrest (1957: 172-3). Morgan (1990) views the oracle as a crucial element in archaic state formation: cf. Bowden (2005), who points out that the oracle was primarily a religious institution, not a political one.

settlement at Delphi and to be only on the verge of settling into a permanent temple structure. Delphi may have come to prominence on account of its role in colonization, but in that period its fame was by no means widespread.

Note as well that there is no suggestion in this period that a divinity other than Apollo held the oracular seat. Given that there is no archaeological evidence whatsoever prior to the later ninth-century, and that the shrine only begins to dominate the settlement in the mid-seventh century, it is safe to say that the tradition of an ancient and venerable oracle at the site—already questioned above—is suspect. This, in conjunction with the fact that already in epic Delphi—still then known by the archaic name Pytho—is described emphatically as the oracular seat of Apollo,¹²² means that if *Themis* played some role in the early history of Delphi, no evidence pertaining to the fact survives save the ‘previous owners’ myth which emerged in the fifth century. And given the small window of time between the re-settlement of Delphi and the shrine’s emergence to prominence, any role for other divinities was likely either brief or minor.

iv. Delphic Innovation

In one crucial respect, the early history of the Delphic oracle is consistent with that of Dodona: both are very much bound up with matters of travel and, specifically, colonization. For as we have seen, between 735 and 640 BCE, a primary topic of consultation at Delphi was the matter of colonization: states (and individuals) sought guidance or sanction from the god for their settlements abroad. Early oracles were very much concerned with matters involving voyages.¹²³ The latter date is significant: if one considers it a bookend (of sorts) to the

¹²² *Il.* 9.404-5; *Od.* 8.79-81.

¹²³ Montiglio cites Plato (*R.* 427c) to note Delphi’s role (2005: 9), and subsequently discusses Delphi’s role in orienting voyagers (152), but neglects wholly the case of Dodona, which, as was noted above, maintains its traditional connection to travel.

colonizing period,¹²⁴ a mid-seventh century date roughly coincides with the construction of the pre-Alcmaeonid temple at Delphi.¹²⁵ If, as was suggested above, the building of the pre-Alcmaeonid temple is evidence of the increasing prominence of Delphi as a pan-Hellenic oracle, then the end of the colonizing period is roughly coterminous with the period of Delphi's limited influence. The date—however inexact—marks a critical period in the history of the shrine. As the fame of the oracle grew (probably in conjunction with its role in colonization), the shrine became increasingly prominent and drew the attention of a wider range of pilgrims from across Greece. The construction of a temple and the archaeologically-confirmed distinction of the shrine from the settlement confirm the site's increasing prominence. Initially a minor shrine, from the mid-seventh century on Delphi increasingly becomes dominant among pan-Hellenic divinatory shrines.

The emergence of an increasingly important Delphi is reflected in a shift in focus. For even though the mid-seventh century may not have marked the complete end of consultations on travel or colonization, there is good reason to believe that from this point Delphi began to dispense advice (if not also welcome queries) on a variety of new topics. In other words, in contrast to the stagnancy of Dodona, Delphi inclines instead towards innovation. The dynamism of Delphi is not entirely novel: already in the tradition surrounding Lycurgus and the Spartan constitution (the so-called 'Great Rhetra') Delphi appears prepared to take on a legislative role.¹²⁶ Nevertheless, over time, Delphi's increasing role in *poleis'* affairs reflects further innovations and alterations: from the mid-seventh century the shrine becomes

¹²⁴ I note again the arguments of Osborne (1998), who would consider the period less cohesive. My focus on the mid-seventh century does not imply that consultations on matters of travel ceased entirely, but only that they likely declined.

¹²⁵ See pp. 157-8 (*supra*).

¹²⁶ Graf (1979) discusses the Apollo Delphinios as an amalgamation of Late Bronze Age Delphinios and the Greek Apollo of Protogeometric period, and outlines a political element that is in some *poleis* central to his cult. Delphi's legislative role may be less innovative (or at least more proper to the oracle) than I imply.

especially concerned with matters pertaining to the dead, and by the fifth century, incorporates elements of Orphism—the tomb of Dionysos, for example. All of these innovations cater to popular demand, and, in consort, help to establish Delphi as the preeminent pan-Hellenic oracle. The economic idea of market demand provides a rationale for the site’s dynamism. As traffic pertaining to travel or colonization dwindled, or, conversely, as traffic pertaining to other inquiries increased, the site adjusted. In contrast to Dodona, which largely retained its traditional focus of catering to a market of travelers heading west (dwindling in pan-Hellenic significance as a result), Delphi innovated by carving out new niches or identifying new popular concerns to be addressed by the oracle. The ultimate source of Delphi’s prominence may have related to colonization, but it was the site’s willingness to innovate that guaranteed the dominant status it enjoyed by the sixth and fifth centuries.

Recognizing the site’s new concerns helps to placate concerns over the historicity of the changes: the historicity of a given oracular response can be questioned, but a widespread association of responses with particular matters need not be muddied by the uncertainties plaguing specific responses. A good example is the case of the so-called ‘Great Rhetra’: the details surrounding Delphi’s involvement in the Spartan constitution are lost, but what emerges from the tradition is that the oracle is well suited to taking on a legislative and judicial character. Even if Delphi’s role in disclosing the Spartan constitution cannot be confirmed, there is corroborating evidence of the *polis*’ desire to associate its reforms with the mandate of an oracular shrine.¹²⁷ Obviously, given the oracle’s role in colonization, *poleis* had no qualms about seeking the god’s advice, but what is interesting about the case of Sparta is that already by the seventh century there is a willingness to associate the oracle with the

¹²⁷ Parke & Wormell (1956: i.84ff.) They note that the dual kingship of the twins Agias and Eurypontus, their marriage, and the settlement of the Aegeidae in Sparta were all connected to Delphi in legend.

establishment of political institutions. Far from simply seeking advice, the Spartan *polis* was happy to frame their political order as divinely mandated. So too is there evidence for Delphic involvement in Athenian public affairs; the reforms of both Solon and Cleisthenes incorporated Delphic revelation in establishing the festival calendar and the eponymous heroes for the *phylae*, respectively.¹²⁸ There is a trend towards linking public policy with oracular revelation. No doubt the inverse is also true: the shrine was also more than happy to be ascribed such a prestigious role. We will never have historical certainty concerning the specific questions posed to the oracle or the extent to which *poleis* were actually consulting it on religious or political matters, but this lack of certainty is mitigated both by the extent to which *poleis* desired to ground religious action or political reform in the oracle's authority, and the extent to which such attribution propelled the site's increasing prestige. The case of the Great Rhetra is the earliest example, but further innovations can similarly be traced to an increasing demand for legislative assistance.

There are also signs of further innovation. Sara Iles Johnston has recently shown that, from the seventh century, Delphi becomes increasingly concerned with the dead. By her count, fifty-four of the 519 extant Delphic oracles (or 10.4%—the largest single group of responses) involve the treatment of the dead.¹²⁹ The earliest of these oracles (which can be dated with any accuracy) pertains to events of c. 640 BCE, namely, the murder of Archilochos by Calondas (or Corax).¹³⁰ The historicity of this specific response has been questioned,¹³¹ but

¹²⁸ See Nilsson (1949: 190ff.); Bowden (2005: 95-100). Malkin (1989) treats the oracle's role in social change and introduces numerous additional examples.

¹²⁹ Johnston (2005: 283). The contents and structure of the following preliminary discussion are thoroughly indebted to her work.

¹³⁰ See Fontenrose (1978: Q58); Parke & Wommel (1956: 4-5). I have chosen this particular response since its date is more precise than, say, 'seventh century'.

¹³¹ Fontenrose (1978) categorizes the Corax episode as quasi-historical. While I acknowledge that the question of historicity can never be positively settled, for my purposes even the slightest element of

most important for my purposes are the mid-seventh century date and the trend it originates. Not only does this date coincide with the end of the early period of colonization, but as Johnston also argues, Delphi's new concern for eschatological matters comes on the heels of numerous changes in eschatological belief. Following (or in conjunction with) the widespread emergence of tomb-cult and hero-cult near the end of the eighth century BCE,¹³² the Greeks manifest an increasing awareness and paranoia that the dead were able to interact with and affect their lives. Johnston argues (amongst other things) that increasing attention to funeral rites, festivals and other apotropaic and conciliatory ritual actions in the archaic period were important for maintaining the separation or distancing of the living and the underworld,¹³³ while many of those same practices—not to mention the existence of curse tablets—attest to the increasing potency attributed to the dead and the recognition that the separation was not absolute.¹³⁴ In short, Greeks in this period were increasingly concerned that mismanagement of the deceased entailed adverse consequences for the living, specifically that the former might return to the realm of the living to inflict harm.

The shift in eschatological belief marks an important change. While in the Homeric poems the dead interact with the living only under very particular circumstances,¹³⁵ later practices demonstrate that the dead could be invoked for innumerable purposes and that managing the relationship of living and dead was increasingly a significant public and private concern.¹³⁶ For even as the traditional forms of interaction with the dead such as the funereal

historicity is sufficient to indicate that Delphi was, by c. 640 BCE, giving responses in matters pertaining to the dead.

¹³² See Currie (2005: 48, n. 7). Parker (1996: 36) is more precise: “never does the practice [of hero cult] begin before the late eighth century.”

¹³³ See Johnston (1999: 95ff.)

¹³⁴ See Johnston (1999: chpt. 2).

¹³⁵ Johnston cites the episode involving the unburied Elpenor in the *nekuia* of *Od.* 11 (1999: 8-11). Cf. Currie (2005: 31-7), who draws attention to the contradictions in Homeric eschatology.

¹³⁶ See Johnston (1999: 38-80).

goös and the *thrênos* were suppressed by legal means,¹³⁷ new techniques of *psychagôgia* and *goêteia*—bordering on the professional—were adopted and became widespread.¹³⁸ Johnston’s point is that these later quasi-professional practices presuppose completely new assumptions about the afterlife; where the *goös* and *thrênos* reinforce the separation of living and dead, and where previously the dead could interact with the living only under particular circumstances and with limited effect, *psychagôgia* and *goêteia* now assume that any dead soul can not only influence affairs amongst the living, but can actually be compelled to do so through particular ritual practices.¹³⁹ The transformation in eschatology is near total; in place of the powerless shades of the Homeric afterlife are powerful and hostile spirits whose influence is continually on the verge of impinging on or altering the mortal world.¹⁴⁰

Johnston links the changes in eschatological belief to the shift in Delphi’s concern; since the Greeks were now increasingly concerned with the proper management of their dead, they would either turn to a god for assistance, or the god’s responses would focus on managing the relationship of living and dead. Delphi was prepared to cater to the new popular concern: the date of Calondas’ murder of Archilochos (c. 640 BCE) provides a *terminus post quem* for the god’s increasingly concern for affairs involving the dead. For the sheer quantity of responses—over 10% of the corpus—is undeniable. But while Johnston’s account of the

¹³⁷ See Alexiou (1974: *passim*); and Seaford (1994: 119ff.) who lists the legal limitations but wonders to what extent the practices were already in decline when restricted.

¹³⁸ See Johnston (1999: 100-5). Interestingly, Johnston notes (1999: 112) that the word *γόης* does not appear until the late seventh or early sixth century, which is temporally consistent with the legal suppression.

¹³⁹ Johnston (1999: 105-25).

¹⁴⁰ For powerless shades in Homer, see, for example, Achilles’ famous rebuttal to Odysseus at *Od.* 11.489-91: *βουλοίμην κ’ ἐπάρουρος ἐὼν θητευέμεν ἄλλω, / ἀνδρὶ παρ’ ἀκλήρω, ᾧ μὴ βίωτος πολὺς εἴη, / ἢ πᾶσιν νεκύεσσι καταφθιμένοισιν ἀνάσσειν.* It is worth noting that Polyxena is not named in Homer: the ghost of Achilles does not demand her sacrifice until the *Iliou Persis*, which is most likely a product of the later seventh-century—coincidentally the same point at which Greek eschatological beliefs are undergoing serious change. For the hostility of the dead in the classical period, however, see Plato (*Laws*, 926e9-927a8).

interpenetrating evolution of divination and eschatology in the archaic period is profound, for all her discussion of the changes in eschatological belief, she overlooks the reasons why Delphi and the oracular mode of divination (in particular) were suitable for managing the relationship of living to dead. Johnston's argument, that Delphi was the prominent site in this period and that Apollo was "better known as a problem solver at this time" assumes the prominence of Delphi as though she were treating the site in its fifth-century guise and not that of the archaic period.¹⁴¹

The problem with Johnston's argument is that in the mid-seventh century (as I have argued), Delphi's influence is still somewhat limited. It was only just being recognized as an oracular site by the time of the *Odyssey*, and its early involvement in colonization (and even its role in Spartan politics) attests to a role that is not yet properly pan-Hellenic. As such, the gap between Delphi's appearance on the radar of Greek divination and the events of c. 640BCE is far too brief to allow for the emergence of the kind of pan-Hellenic prominence Johnston presupposes. Rather, it is in the seventh century (and beyond) that Delphi becomes an important point on the Greek divinatory landscape, in no small part (I argue) because of innovations such as its new concern for eschatological matters and its increasing willingness to prescribe and legislate to communities. Unlike Dodona, whose prominence was directly traced to its antiquity and its principal divinity, Delphi had to earn its fame, and the primary way in which it did so was by innovating and catering to the needs of the *poleis* and individuals consulting it while branding Apollo's oracle as authoritative as that of his father. Such adjustments supplement the site's central geographical position—the tale of the *omphalos* is as old as Hesiod (*Th.* 494-500)—and place it at an immediate advantage over Dodona.

¹⁴¹ Johnston (2005: 295). See also Heubeck et al. (1988: ad 8.79-82) and Maurizio (1997: 308), who opens her article with the matter-of-fact statement "While no one would dispute that Delphi was the premier oracular site in archaic and classical Greece..."

Nor is the site's increasing concern for the dead the sole indicator of Delphic dynamism. The site appears to have interacted with and influenced nearby Boeotian shrines, which testifies not simply to Delphi's rivalry with Dodona, but with nearby centers as well.¹⁴² So too did Delphi keep itself abreast of cultural currents: the site also comes to incorporate Dionysiac or Orphic elements. For following the construction of the Alcmaeonid temple, the *adyton* included the tomb of Dionysos,¹⁴³ no doubt a reflection of the increasing importance of Orphism in popular religion. The innovation accordingly attests to a willingness to cater to the widest possible audience; Dionysos "was not involved in the giving of oracles."¹⁴⁴ No doubt such adjustments to the shrine are coextensive with the oracle's newfound concern for eschatological matters. In addition, the pairing of the two gods at Delphi reflects their sharing of the shrine: Apollo was thought to spend three months of the year among the Hyperboreans,¹⁴⁵ during which time Dionysos presided at the site. Like the incorporation of the tomb, the myth of Apollo's journey to the Hyperboreans appears novel and contrasts with other versions of his arrival at Delphi.¹⁴⁶ There is even evidence to suggest that other forms of divination took place at Delphi: artistic depictions of the Pythia or Apollo holding a *phialê* have been interpreted as evidence of *kleromancy*, and the name of the lots (*θριαί*) even hints at

¹⁴² See the features of the Boeotian cult-type outlined by Schachter (1967: 8-10): "The elements in common to these six cults involve the physical environment of the sanctuary, the function and operation of the cult, and the cult complex. The physical environment consists of a hill or mountain and a spring. The cult is oracular in function, with divination in the hands of a male prophet, who is, in some cases at least, inspired by drinking the waters of the spring. The cult complex comprises a nymph and a hero, the former being possibly the nurse or mother of the latter." As he notes (1967: 10), Delphi bears a similarity to the pattern.

¹⁴³ See Rohde (1893: 110, n. 32); Fontenrose (1959: 379ff.). For the difficulty in dating the rise of Orphism, see Guthrie (1967: 9), and for the earliest evidence from the fifth century (1967: 16-8).

¹⁴⁴ Price (1985: 135). See also n. 28 (*ibid*), for a representation of the temple. Maurizio (1995: 69, n. 2) and Amandry (1950: 196-7) both summarize the tradition equating Apollo and Dionysos propagated by Bouché-LeClercq (1879) and Rohde (1893: 289ff.), who held that prophecy originally belonged to Dionysos. See also Roux (1976: 175ff.); cf. Fontenrose (1978: 206ff.).

¹⁴⁵ First attested in Himerios' summary of Alcaeus' *Hymn to Apollo* (fr. 307c); see also Fontenrose (1959: 381ff.).

¹⁴⁶ So Fontenrose (1959: 382).

an affinity to the bee-maiden oracle described in the Homeric *Hymn to Hermes*.¹⁴⁷ It is a mistake to discuss Delphi as though it were a typical entity in the archaic world; the site's evolution reflects not only its physical growth, but its interactions with a wider context of divination and cultural assumptions. The site's ability to market its divinatory service and attain preeminence among Greek oracles reflects a successful negotiation of its cultural surroundings.

d. Conclusion

There is no evidence to suggest that *Themis* either functioned as an oracular divinity or received worship as an oracular goddess before the emergence of the fifth century's 'previous owners' myth. The earliest forms of *Themis*-cult in Thessaly, Rhamnous, and Olympia treat the goddess either in her traditional capacity as a protector of order—particularly social order—or, in the case of Olympia, provide no basis whatsoever for assertions of this kind. Only at Delphi, and only in the fifth century, is *Themis* ascribed a clear oracular function, and the assumption of an oracular role elsewhere is likely the consequence of the dissemination of the 'previous owners' myth. I am not alone in questioning an early oracular role for the goddess: a number of scholars examining a variety of shrines and regions have independently concluded that *Themis* plays no autonomously oracular role. Efforts to posit, for example, a trinity of divinities at Dodona including *Themis* and Dione are unconvincing, and the presence of a chryselephantine statue at Olympia is no grounds for assuming the presence of a *Themis*-oracle. There is no basis in archaic cult to ascribe an oracular role to the goddess.

¹⁴⁷ The Suda suggests the use of a lot oracle (s.v. Πύθω): see also Robbins (1916: 285ff.); Amandry (1950: 25-36); Parke & Wormell (1956: 18-9); Burkert (1985: 116); cf. Fontenrose (1978: 219-23); and Maurizio (1995: 80, n. 70) who is more diplomatic in her evaluation and allows for the possibility. On a possible connection to the bee-maiden oracle (and its problems), see Scheinberg (1979: 8-14); also Brown (1947: 100-1).

It is rather the emergence and subsequent popularity of the ‘previous owners’ myth in Aeschylus’ *Eumenides* that creates the illusion of the antiquity of *Themis*’ oracular capacity. For the observations both of her genealogical connection to Gaia and of the transmission of the oracular function in the myth lend themselves well to an assumption of the myth’s transparency. But far from revealing an oracular essence, the myth’s various versions rather indicate that *Themis*’ role is a literary one aimed at mediation. In Euripides, her relationship to her mother Gaia is primary and she accordingly becomes a chthonic, oracular figure to be succeeded and replaced by the higher order of Olympian Apollo, but in Aeschylus, her affiliation to Zeus makes her the ideal bridge linking Gaia and Apollo. *Themis*’ oracular role does not reflect an essential (and traditional) aspect of her persona, but rather the demands of the particular literary context. The absence of any corroborating archaeological or epigraphic evidence further indicates that the myth is a fiction projected into mythological history, seemingly with the goal of establishing the antiquity of Apollo’s oracle. For as archaeology reveals, the oracle’s history does not transparently extend into the Mycenaean period, and the emergence of the pan-Hellenic oracle shrine familiar from Herodotus and tragedy is the result of a centuries-long process of growth. From the first appearance of cult activity in the late-ninth century, the oracle appears always to have been Apollo’s.

A reconstruction of the emergence of oracular divination in archaic Greece corroborates the findings concerning Delphic history. Although they were barely known to Homer, oracles’ earliest function appears fairly consistent. The case of Dodona, whose primary concern remained colonization and travel until the third century, accords with Delphi, which similarly began its rise to prominence in the period of colonization. But Delphi, unlike Dodona, was from an early point in time open to other matters of inquiry: from the shrine’s more legislative role vis-à-vis political affairs to its increasing concern with the currents of

contemporary religion from the seventh century onward, Delphi differs from Dodona in being relatively open to innovation and rebranding itself. The incorporation of the tomb of Dionysos into the temple *adyton* is the most striking example, and leaves one with the impression that Delphi's rise to pan-Hellenic preeminence was a function of its willingness to cater to popular taste and demand. For although it could not rival the authority or antiquity of Dodona, it nonetheless both serviced a wider range of inquiries and boasted a more central geographic position that put it at a distinct advantage over its more antique rival. With time, it even reworked its own mythological history to present the impression of antiquity.

Chapter 4 Towards an Oracular *themis*

a. Introduction

As the second chapter argued, the semantic range of *themis* and its related terms did not initially extend to prophecy and oracular utterance; and as the third chapter argued, there is no evidence for an autonomously oracular role for personified *Themis* in the archaic period. *Themis* is primarily related to right and order in epic and archaic cult, and the assumption that there was an oracular aspect results from the dissemination of the ‘previous owners’ myth, which projects such a history into the mythological past. In making these assertions, I join the increasing chorus of scholars distancing themselves from earlier scholarship, which on the basis of uniformly later evidence retrospectively projected an oracular aspect of *themis* onto earlier periods. Recent trends in scholarship have demonstrated the perils of such projections: while the continuity at which they aim is commendable, they rely on circular arguments and distort an understanding of *themis*’ earliest discernible significance. While I do not pretend that my own analysis comprises a definitive reconstruction, I hold that by focusing on how separate the different aspects of *themis* and its related terms in fact are, one can observe more precisely how *themis*’ semantic range evolved.

The evidence proffered by the Homeric *Hymn to Apollo* indicates that, at some point by the late sixth century, *themis* and its related terms applied to prophecy. The hymn fossilizes *themis*’ traditional semantic range alongside its novel, oracular connotations. For in the so-called Delian hymn *Themis* appears as a figure affiliated primarily with Zeus’ will, while in the Pythian hymn, terms related to *themis* take on the force of oracles. While the sole Delphic

prophecy in Homer links the oracle with the *boulê Dios* (*Od.* 8.81-2), the appearance of *themis*-terminology in the Homeric *Hymn to Apollo*'s claim to the *boulê Dios* asserts the connection in a different way. For personified *Themis* is herself traditionally affiliated with Zeus' will independent of the context of prophecy, and in the hymn too the goddess similarly links the infant Apollo to his father Zeus. But while *Themis* has a relationship to the *boulê Dios*, and while the *boulê Dios* is bound up with oracular divination, these two aspects remain distinct from one another. The hymn marks a turning point, taking up *Themis*' traditional role as the companion of Zeus' will,¹ but subsequently describing that will and the oracles that contain it in the language of *themis*: in the Homeric hymn, *themistes* denote oracles containing the *boulê Dios*, and *themisteuein* the act of delivering them.

In the following chapter, I trace the emergence of *themis*' new semantic range and speculate as to its origins. Because *Themis*' relationship to the *boulê Dios* in early poetry does not involve an oracular aspect, the testimony of the Homeric hymn is problematic. An analysis of the corpus of Delphic oracles, however, hints at the conceptual link: the responses typically involve a prescription for organizing mortal affairs, most generally by ritual means. In other words, the oracle reveals the appropriate solution for a given situation—what it is *themis* to do. Individual oracles, accordingly, come to be described as *themistes*. The last two sections of the chapter describe a final stage: once *themistes* become synonymous with oracles, the next step is to make personified *Themis* an oracular goddess. The first appearance of the goddess in this

¹ 'Tradition' is a complicated term, and will appear regularly in this chapter with specific connotations. For while the chapter as a whole will trace the development of the new semantic tradition of *themis* vis-à-vis oracles, when I discuss 'traditional semantic range', 'traditional affiliation', 'traditional role', or even 'traditional myth', I am referring to the epic tradition of *themis* and its related terms. My terminology does not aim to exclude the oracular connotations from the tradition of *themis*, but simply to indicate the novelty of those connotations. 'Traditional' is, in this sense, preferable to stronger terms such as 'original' or 'primary' because it denotes, however crudely, the chronological priority of the epic usage over the novel, without unduly privileging epic as containing the essential meaning of the term. On the problems with tradition, see Ben-Amos (1984); and in the more specific context of Greek epic, Scodel (2002: 1-41).

particular aspect occurs in Pindar's eighth *Isthmian* ode, and in discussing this ode, I will argue that it further reveals the novelty of an oracular *themis*. Pindar innovates in his portrayal of *Themis*, and, what is more, the innovation is appropriate to his own encomiastic agenda and, furthermore, accords well with other aspects of the mythological tradition.

b. Semantic Disjoint

i. *The Homeric Hymn to Apollo*

The Homeric *Hymn to Apollo* marks a change in the semantics of *themis*, and provides the ideal starting point for an examination of the evolution of the term's semantic range. Although the *themistes* in earlier epic belong exclusively to mortal human beings and the verb *themisteuein* denotes the judicial or executive capacity of a mortal figure of authority, in the hymn the young god seeks to establish an oracular shrine specifically so that he might deliver (*θεμιστεύοιμι* 253, 293) oracles (*θέμιστας* 394). For the first time in extant Greek literature, a god speaking *in voce propria* claims a capacity for delivering *themistes*, and the terms' oracular connotations are undeniable. Despite the expanded semantic range of *themis* revealed by the hymn's verses, however, the path to interpretive clarity is hindered by several uncertainties about the hymn itself. For the hymn is something of an enigma: it appears to be a conflation of two separate works—the so-called Delian and Pythian hymns—and there is no scholarly consensus as to the date or priority of these two parts vis-à-vis one another. What little testimony survives about the hymn, in fact, is deeply inconsistent with most scholarly analyses: while some argue that the hymn is (at least in part) amongst the oldest Homeric hymns, a scholion to Pindar testifies to a date nearer the end of the sixth century, while stylistic and linguistic analyses offer a date somewhere in the middle. The problems have serious methodological consequences for the current investigation: how can one make an argument

about particular poetic usages vis-à-vis others or vis-à-vis cult practice in a particular period when the context of those usages is itself uncertain? The obstacles to interpretive clarity are serious.

I cannot mitigate fully such methodological concerns, and it is beyond the scope of this project to treat the problems surrounding the hymn with the detail they deserve. That being granted, the usages of *themis* and its related terms in the hymn are nevertheless numerous enough to permit analysis. Crucially, in the Delian portion of the hymn, personified *Themis* appears in her epic capacity, while the novel oracular uses of *themistes* and the verb *themisteuein* derive wholly from the Pythian portion of the hymn. A final usage, the formulaic ἡ θέμις ἐπί familiar from epic, is more difficult: it also appears in the Pythian portion of the hymn, but compared to the epic uses of the formula, it is anomalous. In essence, the *Hymn to Apollo*, in its two constituent parts, encapsulates the contrast between the traditional and novel semantics of the term. The contrast in the usages of *themis* and related terms in the hymn supports the long-held division of the hymn,² and furthermore, indicates that the Delian portion is markedly more traditional in its usages than the Pythian. This analysis is ultimately consistent with a long tradition from Wilamowitz to Janko which argues for the priority of the Delian portion of the hymn.³ The Pythian hymn is a trickier matter: it is usually dated on the basis of purported internal references to the so-called First Sacred War, but is problematic and attempts at historical interpretation are a point of some controversy.⁴ As Mike Chappell has recently noted, “Attempting to place [the Pythian hymn] in a historical

² There is also a Unitarian tradition of interpretation, which I will discuss shortly and whose arguments are also not incompatible with my own. See p. 177, n. 11 (*infra*).

³ See Burkert (1979: 58, nn. 26-7) for a summary of positions prior to Janko (1982). The notable voice of dissent is that of West (1975), who argues for the priority of the Pythian hymn.

⁴ See Chappell (2006: 331-5) for the most recent survey and analysis of the problem of dating the hymn.

framework has been a popular pastime among scholars, but their efforts are unconvincing.”⁵ As such, although I will attempt to mitigate the difficulties pertaining to the hymns’ composition, I acknowledge the problems surrounding the relative dates of the two hymns, and stress that I am more interested in teasing out the implications of *themis* and its related terms in the hymn by the criterion of how well they compare to epic and other appropriate evidence. I hold that the Delian portion of the hymn reflects traditional uses of *themis*, a supposition that is consistent with (but does not prove) an early date, while the Pythian hymn’s usage of *themis* and related terms is novel, which suggests a departure from traditional ideas.

Given the problems surrounding the hymn’s unity, date, and occasion, for the sake of making a tidy beginning to a study of *themis* in the hymn, I must briefly lay my own cards on the table. Our most important testimony concerning the *Hymn to Apollo* comes from a scholion to Pindar’s second *Nemean* ode. On the topic of the Homeridae, the scholiast explains that there was a particular group of Homerids under a certain Cynaithos who were remarkable:

ἐπιφανείς δὲ ἐγένοντο οἱ περὶ Κύναιθον, οὓς φασι πολλὰ τῶν ἐπῶν ποιήσαντας ἐμβαλεῖν εἰς τὴν Ὀμήρου ποίησιν. ἦν δὲ ὁ Κύναιθος τὸ γένος Χίος, ὃς καὶ τῶν ἐπιγραφομένων Ὀμήρου ποιημάτων τὸν εἰς Ἀπόλλωνα γεγραφὼς ὕμνον ἀνατέθεικεν αὐτῷ. οὗτος οὖν ὁ Κύναιθος πρῶτος ἐν Συρακούσαις ἐραψώδησε τὰ Ὀμήρου ἔπη κατὰ τὴν ξθ’ Ὀλυμπιάδα, ὡς Ἱππόστρατός φησιν. (Σ *ad Nem.* II 1 c)

Particularly notable [among the Homeridae] was the entourage of Cynaithos, who they say composed and inserted many verses into Homer’s oeuvre. Cynaithos was a Chian by birth, and of the poems attributed to Homer Cynaithos wrote and ascribed to Homer the *Hymn to Apollo*. This Cynaithos first recited Homeric epic at Syracuse in the sixty-ninth Olympiad, as Hippostros says.

⁵ Chappell (2006: 334).

The testimony concerning Cynaithos is revealing: he was seemingly a prominent rhapsode, but far from what appears to be the typical rhapsodic practice of simply reciting poetry in competitive performance, the scholiast marks it as noteworthy that he and his followers were not above dabbling in composition and interpolation. Cynaithos' *Hymn to Apollo* is presented as the most notable example.

The main problem with the scholiast's account is the date given for the hymn's composition: the sixty-ninth Olympiad (504/1 BCE) is surprisingly late. For some argue that the hymn is very early, and both linguistic and stylistic analyses have placed it (or its parts) in a period closer to Hesiod.⁶ The scholiast, then, suggests a precision both of context of composition and of performance that has long been questioned. For already in 1782, Ruhnken argued on formal grounds that the *Hymn to Apollo* is comprised of two parts,⁷ and the possible context for such a hybrid hymn was long a major stumbling block to interpretation. The assumption—bolstered by the scholiast—of a single poetic mind composing at a precise historical moment appears difficult to maintain. Evidence and analysis paint vastly different pictures.

The hymns' various parts and chronological mysteries, however, are not nearly as perplexing as they might seem once one collates the scholarship on the topic. It must be stated outright that I follow Burkert and Janko (and now West) in linking the scholiast's testimony about Cynaithos' *Hymn to Apollo* to the performative context of Polycrates' Delian-Pythian festival at Delos in 522 BCE.⁸ This explanation contains implicitly the means to diminish both the difficulties in reconciling the so-called Delian and Pythian parts of the

⁶ For a summary, see Burkert (1979: 58, nn. 27-8); on the early date, Allen, Halliday, Sykes (1936: 183-6); stylistic affinity to Hesiod, Sowa (1984: 189-93); linguistic analysis, see Janko (1982: 99-132). The Pythian hymn, as was noted, is the wildcard in any attempt at dating.

⁷ For a survey of further scholarship of both Analyst and Unitarian varieties, see Förstel (1979: 20-62). See also Janko (1982); West (2003: 9-12); Clay (1989: 18-9, n. 1).

⁸ Burkert (1979); Janko (1982: 112-5); West (2003: 9-12).

hymn to one another, and the problem of their dates relative to Cynaithos. For although Ruhnken and Janko have demonstrated that the hymn consists of two formal parts betraying two distinct poetic voices, the Delian portion of which (if not the Pythian as well) originates from a period far in advance of Cynaithos' alleged performance,⁹ further studies have demonstrated that they nonetheless combine to form a unified poetic product.¹⁰ My explanation accepts both positions, and attempts to overcome the debate between Unitarians and Analysts: the hymn in its extant form is a fusion of two other hymns to Apollo, stitched together by Cynaithos for the specific occasion of Polycrates' festival.¹¹

Obstructing our understanding of Cynaithos' role is the scholiast's reference to his Chian birth. For in the Delian portion of the hymn, the poet inserts an autobiographical *sphragis* alleging much the same thing. In response to the question of what poet is best, the Delian maidens are to respond as follows:

τυφλὸς ἀνὴρ, οἰκεῖ δὲ Χίῳ ἐνὶ παιπαλοέσση
τοῦ πάσαι μετόπισθεν ἀριστεύουσιν αἰοδαί. (172-3)

[He is a] blind man, and he lives in rocky Chios, whose songs are afterward all preeminent.

Given Janko's relative dating for the Delian hymn, I find it unlikely that the Chian poet of the *sphragis* can be Cynaithos:¹² the temporal gap of nearly a century does not provide the basis for making the (admittedly attractive) inference that he is the Chian poet referred to in the hymn. Nor is the ancient tradition represented by Thucydides (iii.104), in which the *sphragis* refers to Homer, any more likely: because the Delian hymn is almost certainly post-Homeric,

⁹ Janko (1982: 99-132).

¹⁰ See West (1975: 162, with n. 1); Janko (1982a); Sowa (1984: 172-84). Clay (1989: 17-94) remains the definitive statement on the matter of artistic unity.

¹¹ The idea of a 'compiler' is old (see Verrall [1894]): Burkert (1979: 61) proposes the hypothesis that "a Homerid from Chios in fact composed or arranged the text we have for this occasion" and Janko (1982: 114) both that "Cynaethus was responsible" for the performance, but that he did "much more than mere stitching at the seams" is improbable.

¹² Pace West (1975: 165-6).

the truth is likely something more fraudulent. Something is clearly wrong with the *sphragis*,¹³ but inasmuch as my interpretation argues that Cynaithos need not have composed either hymn, it avoids requiring the equation of the two Chians: as a rhapsode, Cynaithos would have had—in addition to Homer—a variety of hymns at his poetic disposal, one of which could easily have been learned from one of his Chian forbears and which may have included the *sphragis*. The only case in which Cynaithos can be the Chian of the *sphragis* is if the lines are interpolated—admittedly a real possibility. But proving as much is a different matter. The issue will likely never be decisively settled, and for my purposes, it makes no difference.

My reconstruction of the hymn as a hybrid modified by Cynaithos is fully consistent with the state of the evidence: one would expect to find not only traces of different poetic voices and styles from periods preceding Cynaithos, but also what one might call the seams of Cynaithos' stitching, and perhaps even evidence of his own interpolation.¹⁴ While the hymn was ultimately attributed to him, Cynaithos need not have been doing much more than reworking older poetic material into a new composition—adding or subtracting verses as he saw fit, and imparting thematic unity onto the disparate pieces.¹⁵ In this respect, I am not distressed in the least by the autobiographical *sphragis*: we will never know whether the verses were composed by an anonymous Chian forbear—the source for Cynaithos' Delian hymn—or

¹³ Both Burkert (1979: 57-8, 60-1) and Janko (1982: 114-5) struggle with the *sphragis* and, as I do, posit fraud. On other problems with the Delian hymn, see Janko (1982a: 16-8).

¹⁴ See, for example, Verrall (1894). More recently West (1975: 169; 2003: 11) has attempted to pick apart what lines of the Delian hymn Cynaithos may have composed.

¹⁵ Nagy (1996: 59ff., esp. 113 n.32) draws on Ford (1988) in articulating rhapsody's etymological connection to stitching. While one is tempted to draw a parallel with the oral poet composing in performance by utilizing a tradition of poetic formulae, type-scenes, and themes, Cynaithos is doing something far more mundane. Nagy's argument (1996: 113) against the contrast between singer and rhapsode cannot be maintained: for although we give credit to the *aidos* 'Homer' for works which represent the capstone to a centuries-long tradition of composition-in-performance, Cynaithos' rhapsodic achievement was a somewhat cruder cut-and-paste job, even if he inserted some of his own verses. Nagy elsewhere (2000: 48ff.) treats rhapsodic 'stitching' as the collective performance of Homeric poetry in sequence by a relay of rhapsodes.

interpolated by Cynaithos himself as part of some attempt to ensure his own poetic immortality. The scholiast ascribes the practices of interpolation and false attribution to him, and we should not be troubled to find evidence to this effect. Positing Cynaithos as the compiler of the extant hymn is fully consistent with the uncertainty surrounding the *sphragis*.

The preceding reconstruction has the appeal of requiring little alteration of testimony and has the support of current scholarship. It preserves the detailed arguments concerning the relative dates of the distinct Delian and Pythian hymns while accounting for Cynaithos' attested role in the composition of the hymn and the context for such a strange, hybrid poem. Furthermore, it dissolves the conflict between Analyst and Unitarian readings of the hymn by simultaneously accepting its disparate elements and recognizing the thematic and literary unity imparted upon them by Cynaithos, a figure whose fame stemmed from altering existing poetic material and composing his own verses. That the *Hymn to Apollo* in its extant state constitutes a united poetic endeavor whose disparate elements have not been perfectly melded is simply a reflection of the limits of Cynaithos' poetic talents. The *sphragis* remains enigmatic, but the identity of the Chian is insoluble: it is just as easily refers to a Chian forbear of Cynaithos' as it does to anyone else, and the fact that it may have spawned the tradition of Homer's Chian heritage further muddies the waters.

That is all I need to say about Cynaithos: my study of the hymn is more concerned with how one glimpses *themis* and its related terms' oracular semantics for the first time in the hymn, and for that purpose it is more important to bear in mind the distinction between the hymn's two parts. I shall argue that the novel, oracular uses of *themis*-terminology all occur in the Pythian portion of the hymn as the god endeavors to found his oracular shrine. The Pythian hymn also contains an anomalous use of the epic formula ἡ θέμις ἐστὶ. In contrast, personified *Themis* appears only in the Delian portion of the hymn as Leto gives birth to the

god. The usages of *themis* and its related terms falls neatly in line with the hymns' two sections: the Delian portion presents *Themis* in her epic guise as a personification affiliated primarily with Zeus' will. The terms' new semantic range appears only in the second portion of the hymn: there, not only is *themis* directly related to oracular activity, but the epic formula appears with a new force. The traditional aspect of the Delian hymn reinforces arguments for the early date long ascribed to it, and the product as a whole fossilizes the disparate semantic fields of *themis*, the latter of which is unattested before this work.

Personified *Themis* appears in the Delian hymn in conjunction with the birth and early experience of Apollo: as Leto is in labor for nine days and nights with her son, she is accompanied by a strange congregation of goddesses, among whom is *Themis*:

θεαὶ δ' ἔσαν ἔνδοθι πᾶσαι
 ὄσσαι ἄρισται ἔασι, Διώνη τε Ῥεῖη τε
 Ἴχναίη τε Θέμις καὶ ἀγάστονος Ἀμφιτρίτη,
 ἄλλαι τ' ἀθάναται, νόσφιν λευκωλένου Ἥρης (92-5).

And all the goddesses, whichever ones are best, were inside: Dione, Rhea, Ichnaian Themis, loud-groaning Amphitrite, and other goddesses except for white-armed Hera.

Scholars have long recognized the elderly and titanic quality of Leto's entourage,¹⁶ but the catalogue of goddesses is interesting for way it presents the congregation's individual participants. The poet begins by stating that all the goddesses (πᾶσαι) were there, enumerates a specific group of the elder goddesses (ἄρισται) present, reiterates that others (ἄλλαι) were there as well, and then excludes Hera. Motherhood and a relation to the young god appear to be the defining links: Rhea is Zeus' mother, Dione is Aphrodite's (by Zeus), Amphitrite is Triton's (by Poseidon). Yet the passage is jarring:¹⁷ while Hera's absence at the birth of her

¹⁶ See Allen, Halladay & Sikes (1936: ad 93); cf. Schröder (1975: 13-4).

¹⁷ A quick glance at the apparatus reveals other points of scholarly discomfort: others have emended the manuscripts' ἔνδοθι (91) and the ἔασι (92) I print is an emendation of ἔσαν by Wolf, which is

husband's illegitimate son is to be expected, the presence of these specific goddesses from an older generation is surprising, especially in light of the trickery required for Leto simply to deliver her child (97ff.).

I will return shortly to the stress placed on Hera's absence. For as the god is born, the need for the various goddesses and *Themis* (in particular) subsequently becomes clear: the congregation ululates (119), and thereafter it bathes, swaddles, and feeds the infant (120-5). The divine midwives bear witness to Apollo's own divinity: he does not suckle at his mother's breast, the poet specifies, but is offered nectar and ambrosia by *Themis*, after which he can no longer be contained by his swaddling bonds (124-9). *Themis*' nursing defines Apollo as an Olympian, and so the infant god immediately requests his spheres of influence:

εἶη μοι κίθαρίς τε φίλη καὶ καμπύλα τόξα,
χρήσω τ' ἀνθρώποισι Διὸς νημερτέα βουλήν (131-2).

May the lyre be dear to me and the crooked bow. I will also prophesy the unerring plan of Zeus to mortals.

Themis' role as nurse is noteworthy,¹⁸ and scholars have been quick to point out the connection between her role in the hymn and in the so-called 'previous owners' myth of Delphi.¹⁹ It is her nursing, after all, that leads the infant to proclaim—switching from optative to future indicative—that he will prophesy his father's will. *Themis* can (and should) be associated with Apollo's intended honors, but there is nothing about the god's language that need indicate that her role is in any way oracular or related to the god's oracular capacity: it is the will of Zeus (*Διὸς νημερτέα βουλήν*) which Apollo will prophesy, and *Themis*, more so

unmetrical before *Διώνη* (cf. Hes. *Th.* 17, 353). Might we here have evidence of Cynaithos' stitching, or is this simply a metrical license resulting from oral composition? Cf. Miller (1986: 45), who views the lines as a priamel.

¹⁸ See Allen, Halliday, & Sikes (1936: ad 124); Eitrem (1934: 131); Miller (1986: 108).

¹⁹ See Clay (1989: 41, n.75).

than any goddess (save possibly Athena), is its appropriate custodian and companion.²⁰ What is more, Apollo's proclamation is not simply limited to his oracular capacity:²¹ he also claims the bow and the lyre as his divine office. There are echoes of Hesiod here: in Zeus' organization of the cosmos, after all, the fair and equal distribution of honors amongst the gods is described as *themis* (*Th.* 396), and for the personified goddess to attend to the infant god's claims both reinforces his divinity and legitimizes his place in the divine order.²² *Themis'* presence as nursemaid and Apollo's reference to his father's will are fully in line with her epic roles, and a specific connection either to Delphi or the 'previous owners' myth is unlikely. I grant that in later traditions *Themis* will teach Apollo prophecy,²³ and even that Cynaithos' audience in 523/2 (as opposed to an original audience for the stand-alone Delian hymn) might have assumed that her role was oracular, but the Delian hymn itself provides no support for this interpretation.

The importance of Apollo's claim that he will prophesy the *boulê Dios* cannot be understated because at the point in the mythological timeline at which Apollo is born, Zeus' regime is still fairly new. The stability of his rule is still in question, but the structure of the hymn's mythological account links *Themis* and Apollo with Zeus: the references to Typhon and Apollo's slaughter of the she-dragon (300-74) in the Pythian hymn portray Apollo as the

²⁰ Recall the Homeric evidence, in which *Themis* presides over the divine feast following Hera's return from her punished deception of Zeus (15.87ff.), and then later convenes the divine assembly in which Zeus will lift his restrictions and restore the norms of the divine community (20.4ff.). Wilamowitz (1920: 449) sums up well: *Themis* is here "die Vertreterin der ewigen Weltordnung, mit der Zeus sich zu beraten pflegt"; cf. Vos (1956: 44). I will discuss her affiliation with the *boulê Dios* in more detail (pp. 190-200, *infra*).

²¹ There is no suggestion that the details of the god's oracular activity have been worked out: there is no mention of Crisa or Pytho/Delphi as the specific site of the oracle at this point in the Delian hymn, and what is more, later in the Pythian hymn, Crisa will actually be the god's *second* choice (behind Telphousa) for the site of his oracle.

²² As Clay notes, the birth of a new god raises the immediate problem of how he will fit into the divine hierarchy (1989: 15).

²³ ἡ καὶ Φοῖβον ἄνακτα θεμιστοσύνας ἐδίδαξε (Orph. *h.* 79.6).

defender—not the threat—to his father’s regime.²⁴ It is in light of Typhon and the slaying of the dragon that Hera’s absence at the birth of Apollo becomes thematically appropriate. For when the hymn subsequently brings up the slaughter, the narrator recalls another episode in her history: in anger that Zeus bore Athena without her, Hera conceived Typhon parthenogenetically and entrusted him to the she-dragon (305-6). Typhon, as was the case in Hesiod and as the hymn confirms, is the final threat to Zeus’ regime (331ff.),²⁵ and Hera’s anger therefore echoes with the implications of a larger insurrection, realized in her act of engendering a threat of further succession. The Hesiodic pattern is important: Hera’s son Typhon is raised by the she-dragon at Delphi, whose slaughter at Apollo’s hands is the prerequisite for the founding of his oracle. The killing of the she-dragon and her role as the nurse of Typhon become thematically integral to the poem, linking Apollo’s victory and the origin of Delphi to Zeus’ victory and consequent cosmic sovereignty. As Jenny Strauss Clay points out, Apollo ends up as “the defender par excellence of Zeus and the Olympian order.”²⁶

Themis’ appearance at the birth of Apollo, accordingly, has more to do with her particular affiliation to Zeus’ regime than it does to her status as a Titan: Apollo will be his father’s mouthpiece, and *Themis*’ role as nurse is therefore thematically crucial for aligning the young god with his father and the order instantiated by his regime, in contrast to the opposition to Zeus embodied in Typhon, the son of Hera and nursling of the she-dragon. The opposition of the two groups animates the hymn: the conflict between Hera and Zeus revolves around the children they have independent of one another. Hera’s anger at Zeus derives from the birth of Athena, and her response at that time was to produce Typhon, who embodied her

²⁴ Clay (1989: 63-74).

²⁵ See Clay (1989: 67-74); de Roguin (2007: 109ff.).

²⁶ Clay (1989: 92). Fontenrose (1959: 70-93) treats the relationship between Typhon and Pytho in detail, but does not recognize the thematic link.

anger and constituted a threat to Zeus' order. The contrast is deepened by the identities of the children's respective nurses: the joint facts that the she-dragon nurses Typhon and that the two will be slain by Apollo and Zeus, respectively, reflect their opposition to the father-son pair, while the fact that *Themis* nurses Apollo aligns her both with the two monster-slayers and the order they safeguard.²⁷ But not only does the hymn contrast *Themis* with the she-dragon as the nurse of the infant Apollo, it also sets her against Hera. For compare how Hera's withdrawal from Zeus' court during the gestation of Typhon is characterized in the same language as elsewhere describes *Themis*' role as an intimate of Zeus.

οὔτε ποτ' εἰς θῶκον πολυδαίδαλου ὡς τὸ πάρος περ
αὐτῷ ἐφεζομένη πυκινὰς φραζέσκετο βουλὰς (345-6).

Nor did [Hera], as she had previously, regularly devise detailed *boulai* while sitting with him at his well-wrought throne.

ὃς τε Θέμιστι
ἐγκλιδὸν ἐζομένη πυκινούς ὄαρους ἀαρίζει (*h. Zeus* 2-3).

[Zeus], who converses intimately with *Themis* as she sits leaning in toward him.

The Homeric *Hymn to Zeus* makes no mention of the *boulê Dios*, but the similarity of αὐτῷ ἐφεζομένη πυκινὰς / ἐγκλιδὸν ἐζομένη πυκινούς suggests that formulaic language of close and well-worked counsel underlies both.²⁸ Counsel of this sort is appropriate to intimates:²⁹ in the first Book of the *Iliad*, Hera complains at being left out of Zeus' decision-making process

²⁷ Cf. Musaeus fr. 83-4 (*PEG*), in which *Themis* also receives the infant Zeus from Rhea.

²⁸ At *Cypria* fr. 1.3 (*PEG*)=F1.3 (*EGF*), Zeus plans ἐν πυκιναιῖς πραπίδεσσιν to relieve a burdened earth (pp. 194-5, *infra*). See also *Il.* 2.55, 7.375, 9.76, 10.302, 11.788, 15.461, 18.216, 19.312, 21.293, 24.75, 24.282, 24.674, 24.744; *Od.* 1.279, 3.23, 9.445, 19.353; cf. *Il.* 10.9; 14.294. The Homeric *Hymn to Hermes* includes the unique phrase Ζητὸς πυκινόφρονα βουλήν (*h. Merc.* 538): cf. M-W fr. 253.1. The semantic connection of *πυκινός* to well-worked or well-wrought objects is revealed by the use of the adjective to describe well-built beds, armor, homes, and doors.

²⁹ The connotations of ὄαρους ἀαρίζει are intimate: so it describes Hektor's conversation with Andromache (*Il.* 6.516; cf. 14.216; 22.127-8), and in the *Hymn to Hermes*, Maia uses the verb to characterize the advantages of being an intimate member of the divine community (*h. Merc.* 170; cf. *h. Ven.* 249)—a veiled lament for her own distance from that community.

(1.540-3), and the collusion she suspects is very much framed as a kind of infidelity.³⁰ In the *Hymn to Apollo*, Hera's opposition goes hand in hand with the complaint that she is not mother of Zeus' children (313-5), and her withdrawal from his confidence mirrors her absence at the birth of Apollo. *Themis'* presence in the assembly of goddesses attending to Leto and Apollo, in contrast, underlies the link between herself, Zeus' will and Apollo. Cosmic order is at stake in the hymn's references to *Themis* and Hera: although *Themis* is a Titan, the irony in the *Hymn to Apollo* is that the "threat to Zeus's rule arises not from the old gods as in the *Theogony*, but from within the Olympian family itself, in fact, at its very center."³¹ In essence, *Themis'* role in the hymn is therefore bound up with her traditional mythological affiliation with Zeus' will and the orderly operation of the cosmos:³² there is nothing at this point in the hymn to suggest a direct connection between *Themis* and the oracle. By way of the hymn's invocation of Typhon and the she-dragon, the relationships of *Themis* and Hera to Zeus are diametrically opposed.

Unlike the Delian portion of the hymn, in which *Themis* appears in her traditional aspect, the Pythian portion of the hymn reflects a new, wider semantic range of *themis*. Taking up the threefold desires declared after his birth, Apollo subsequently declares his intention to found an oracular shrine first at Telphousa, and subsequently at Crisa:

τοῖσιν δέ κ' ἐγὼ νημερτέα βουλήν
 παῖσι θεμιστεύοιμι χρέων ἐνὶ πίοισι νηῶ (252-3=292-3).

And to them [*sc.* the mortals] I would dispense the unerring plan, providing
 oracles in my rich temple.

³⁰ Hera's jealousy is discussed at length by de Roguin (2007: 95ff.).

³¹ Clay (1989: 68).

³² That Janko (1982) argues for the priority of the Delian hymn, situating it closer to Hesiod (*ca.* 670 BCE), provides welcome support for the antiquity my treatment of *Themis* also suggests.

As in the original desire expressed in the Delian hymn, Apollo declares that the contents of his oracles are a *νημερτέα βουλήν*—undoubtedly that of his father Zeus (132)—and speaks of his oracular activity in terms of the verb *χράω* (the site is also repeatedly referred to as a *χρηστήριον*³³). In addition, however, he uses the verb *themisteuein* to indicate the same oracular activity, and the novelty of the oracular implication is noteworthy. Earlier literary usage of the verb stands in sharp contrast: as we have seen, Odysseus used it to describe Minos’ activity of dispensing judgments in the underworld (*θεμιστεύοντα νέκυσι*) to the dead (*Od.* 11.568-71), and similarly of the Cyclops’ analogous act of governing his family (*θεμιστεύει* 9.112-5).³⁴ Although two mere usages provide a scant sample size, the verb in Homer appears to contain much the same connotations of order (and its maintenance) familiar from the early use of *themis* and other related terms in epic. In contrast to the earlier epic usage, however, in the *Hymn to Apollo* it departs from the traditional semantic force in favor of denoting oracular utterance—the revelation of divine will to human beings.

In the same way that the oracular implications of *themisteuein* in the Pythian *Hymn to Apollo* are stripped of any judicial or legislative connotations, so too is the usage of *themistes* in the hymn wholly lacking in its usual epic significance. Consider how the hymn describes Apollo’s Cretan priests:

οἳ ῥά τ’ ἄνακτι
ἱερά τε ῥέζουσι καὶ ἀγγέλλουσι θέμιστας
 Φοίβου Ἀπόλλωνος χρυσαόρου (393-5)

...[they] both make sacrifice to the lord and report the *themistes* of Phoebus Apollo of the golden sword.

³³ E.g. 81, 132, 214, 248, 259, 288: Sowa (1984: 327).

³⁴ See pp. 115-20 (*supra*).

As with the prior use of *themisteuein*, there is no question that the *themistes* are anything but oracles. In conjunction with the novel usage of *themisteuein*, three abnormalities emerge: no divinity has hitherto had a capacity for delivering *themistes*; *themistes* and *themisteuein* have never appeared outside of a legal or (more generally) socio-political context; and no longer is the *themistes*' claim to a direct source in the cosmic or divine order only assumed. The *themistes* will now be identified with the will of the god who declares them. The change is remarkable: in the second chapter, I found that the *themistes* were regularly paired with the scepter as the trappings of some mortal social or legal authority, and like the scepters which denote human authority, were understood to lie under Zeus' general protection. But while authority over *themistes* derived ultimately from the god, in epic poetry the *themistes* remain in the hands of mortal individuals. As I argue, not all *themistes* are *themis*. The identification of Apollo's *themistes* with oracles is therefore startlingly novel: not only does a god personally possess a capacity for delivering *themistes*, but these are a new kind of *themistes*, stemming from the divine and containing divine knowledge. It is not simply the case that the verb *themisteuein* is being applied analogously, as it was when its legislative force was transferred from the political to the familial realm in the case of the Cyclops,³⁵ but that the term's semantics have undergone a shift.

One can see similar novelty in the final usage of *themis* in the hymn. Near the end of the Pythian hymn, Apollo instructs the Cretan sailors and predicts the outcome of any disobedience on their part:

νηὸν δὲ προφύλαχθε, δέδεχθε δὲ φύλ' ἀνθρώπων
 ἐνθάδ' ἀγειρομένων, κατ' ἐμὴν ἰθὺν γε μάλιστα.
 εἰ δέ τι τηΰσιον ἔπος ἔσσεται ἢ τι ἔργον,
 ὕβρις θ', ἢ θέμις ἐστὶ καταθνητῶν ἀνθρώπων,
 ἄλλοι ἔπειθ' ὑμῖν σημάντορες ἄνδρες ἔσονται,

³⁵ See pp. 117-20 (*supra*).

τῶν ὑπ' ἀναγκαίῃ δεδμηέσθ' ἤματα πάντα. (538-3)

Look after the temple, and welcome the tribes of men assembling here, entirely in accordance with my own direction. And if there is either some idle word or deed, and *hybris*, which is *themis* for mortal men, then other men will be your guides, to whom you will necessarily be subservient for all time.³⁶

The god outlines the responsibilities of the Cretan priests, but also predicts both offenses and their punishments that will result in the Cretans' fall from the priesthood. Given that there is no other evidence for a Cretan priesthood at Delphi, many have attempted to interpret these lines as a reference to the so-called First Sacred War,³⁷ but there is little consensus. What stands out is the novel usage of the epic formula ἢ θέμις ἐπί: one thinks immediately of the Homeric or Hesiodic evidence, in which the formula primarily indicates permission or approval as part of character-speech. Speakers typically invoke *themis* in order to defend their actions or intentions: the formula ἢ θέμις ἐπί reflects a rhetorical maneuver aimed at preempting opposition. At this point in the hymn, however, such a context is wholly lacking: in utilizing the formula, Apollo is describing the human condition as one characterized by insolence, and the Cretans are in no position to disagree with a god.

Something has changed in the assumptions implicit in the usage of *themis* and the formula ἢ θέμις ἐπί. While the semantic range of *themis* is perfectly capable of describing facets of nature, never does it do so negatively.³⁸ The god is not approving or making a rhetorical justification, but simply making an assertion about the human condition. One is tempted to explain the assertion away as evidence of Apollo's rumored arrogance (of which

³⁶ I follow Baumeister in reading εἰ δέ τι for the manuscripts' ἦέ τι at 540 (see Allen & Sikes: 1904: *ad* 540-1; *om.* Allen, Halliday, & Sikes: 1936): it neatly provides the protasis required by the god's subsequent threat, and renders Wolf's lacuna unnecessary. So also Janko (1982: 120); Clay (1989: 85-6). Baumeister's further conjecture κατ' ἐμῆν ἴθουντε θέμιστα for κατ' ἐμῆν ἴθουν γε μάλιστα at 539 is unnecessary, even if the usage of *themis* created thereby is consistent with the oracular force of the Pythian usages under discussion.

³⁷ See Chappell (2006: 332, n. 6) for a catalogue.

³⁸ Sex, for example, is *themis* (*Il.* 9.134=9.297). On the relationship between the two comments, cf. Latte (1934: 1626).

Delos speaks, 67-9),³⁹ but in light of the typical usage of ἡ θέμις ἐστὶ, the phrase is far stranger than that. For in contrast to the traditional perspective that the formula approves or justifies by appealing to an abstract idea of order, the assertion that *hybris* is *themis* for human beings actually denies any positive connotation of the term. In the case of mortals, *themis*' affiliation to right and order has vanished: instead of validating some aspect of human society or action, the assertion that *hybris* is *themis* implies that there is no order in the traditional sense for mankind—they cannot but act wantonly.⁴⁰ The assertion must be sarcastic: given that there appears never to have been a Cretan priesthood at Delphi (and the hymn's external audience would likely have been surprised to learn of one), the poem's oracular god foresees their removal from authority even as he conscripts them into service.⁴¹ The Cretans cannot sustain the priesthood. Once more, the traditional, epic force of *themis* has given way in the Pythian hymn to new possibilities.

The Homeric *Hymn to Apollo* straddles an evolution in the semantic range of *themis* and its related terms. Both the traditional and the new, oracular use of *themis*-terminology appear within the confines of the poem, a fact which lays bare two distinct semantic ranges for the group of words. But the breach in semantic consistency remains the byproduct of the hymn's composite elements: the fact that such a change occurs over the course of the poem does little to help us situate the change in any larger context, and the hymn itself makes no attempt to reconcile the two uses. Only by expanding the scope of the investigation can further details concerning *Themis*' oracular nature come to light.

³⁹ On this topic cf. Miller (1986: 38-49), who links the passage to Delos' fear of Apollo's *atasthalia* (67), and unconvincingly argues that Apollo's treatment of his birthplace reveals no such *atasthalia*.

⁴⁰ See Miller (1986: 101-8), who treats the passage in terms of the Delphic maxims 'know thyself' and 'nothing in excess'.

⁴¹ My suspicion is that like the aetiologies for Apollo's various cult-titles (*Pythios* 371ff.; *Telphousios* 385ff.; *Delphinios* 493ff.) offered by the hymn, the history of the Cretan priesthood is an *ad hoc* invention. On the origin of Apollo Delphinios, see Graf (1979).

ii. Delphi, the *boulê Dios*, and oracular Themis

The question of how the semantic range of *themis* came to envelop oracular utterance is fraught with difficulty, and no single satisfactory explanation is possible. In what follows, I pursue various threads of previously made arguments concerning *themis*, with the intention not of pinpointing the causes of its semantic evolution, but rather of tracing the framework which made the evolution possible. The discussion will fall into two parts. First, taking up the third chapter's arguments, I consider the promise implicit in the practice of oracular divination, namely, that it offers mortals access to divine knowledge. I focus on the oracle at Delphi, as *themis*-terminology first appears in an oracular mode in the context of Apollo's oracle.⁴² In ritual matters (particularly), the oracle prescribes the appropriate action or activity. So the transmission of a constitution (as in the 'Great Rhetra'), the delivery of foundation oracles to colonists, and even the shrine's subsequent concern for matters involving the dead all pertain to the proper organization of mortal affairs. In general terms, the oracular god prescribes ritual behavior: the god reveals what is *themis* to a mortal audience who otherwise lacks access to it. Hence, *themis* becomes implicit to oracles.

The implied connection between the *boulê Dios*, oracles, and *themis*, however, takes further shape as one looks beyond the practice of divination. For even though the practice offers access to the *boulê Dios* and, at Delphi, the revelation of the *boulê Dios* also implies the revelation of *themis*, a connection between the *boulê Dios* and *themis* also appears in myth, independent of the ritual context of divination. Not only does *Themis*' nursing of the infant Apollo in the Homeric hymn link him with his father's will, but elsewhere in the tradition of Greek epic, *Themis* also counsels a specific manifestation of the *boulê Dios*. For from the testimony surrounding the *Cypria*, *Themis* is implicated in Zeus' plan to bring about the

⁴² The responses at Dodona are similar, but as was pointed out in the previous chapter, *themis* appears there only in the fourth century. The semantic shift I am tracing is best observed through Delphi.

alleviation of earth, and in other sources, it is suggested that this alleviation involves both the end of the age of demigods and the separation of mortal and immortal societies. The fact that this specific *boulê Dios* does not involve divination renders it independent of the developing link between oracles and *themis* at Delphi, but when one juxtaposes the myths with the situation at Delphi, it is easy to see how the semantic range of *themis* and its related terms extended to oracular matters. For if *Themis* is the counselor to the *boulê Dios* in myth, when one observes that Delphic oracles reveal the *boulê Dios* to mortals and that those oracles imply the revelation of what is *themis*, it is easy both for *themistes* to take on the connotations of oracles and, ultimately, for *Themis* herself to become an oracular divinity.

The single dominant theme in the corpus of Delphic responses is the presence not simply of guidance, but guidance of a specifically ritual character. Joseph Fontenrose counts some 231 responses pertaining to *res divinae*,⁴³ which comprise not quite half of the corpus (but three-quarters of his ‘historical’ responses). I have already discussed one particular subcategory of the oracle’s ritual concern—namely, matters involving the dead—but the trend is not limited. In one response, the god approves specific ritual behaviors,⁴⁴ but a quick survey of Fontenrose’s ‘historical’ responses reveals that the oracle prescribes everything from the divinities who are to receive cult or sacrifice,⁴⁵ first-fruits,⁴⁶ and other dedications,⁴⁷ not to mention matters of divine property or *asylia*,⁴⁸ the establishment (or reestablishment) of

⁴³ He counts seventy-three ‘legendary’ responses, fifty-six ‘historical’ responses, and 102 ‘quasi-historical’ responses (1978: Tbl. II-A, p. 29; Tbl. VII-A, p. 50).

⁴⁴ H26 (PW 280).

⁴⁵ H11 (PW 172); H28 (PW 282); H29 (PW 283); H44; H50 (PW 426); H57 (PW 432); H64 (PW 458); H68 (PW 471); H74.

⁴⁶ H2 (PW 124); H9 (PW 164).

⁴⁷ H12 (PW 174); H24 (PW 278); H53 (PW 340).

⁴⁸ H16 (PW 182); H17 (PW 256); H21 (PW 262); H27 (PW 281); H30; H33 (PW 285); H41 (PW 344); H42 (PW 345); H43 (PW 346); H46 (PW 348); H54 (PW 427); H71 (PW 350).

agônes,⁴⁹ or some combination of all of the above.⁵⁰ There is also the concern for matters involving the dead discussed in the previous chapter.⁵¹ The breadth and quantity of responses pertaining to ritual matters is revealing, and, crucially, sidesteps any objections to the historicity of the god's prescriptive activity: even if particular responses are subject to scrutiny, an overarching trend and two implicit assumptions are clear. The god takes a keen interest in the organization of ritual behavior, and, for the ancient Greek pilgrim, the solution to the majority of the problems requiring consultation lies in some form of ritual practice.⁵² Even if the main question posed to the oracle is the simple "is it better and more profitable to...?",⁵³ the nature of the responses reveals an underlying focus on ritual problem-solving. For in many cases, the god offers a solution to a particular situation, and the oracle, accordingly, appears as a means of obtaining release from difficulty. That Apollo is also the god of purification is, in this respect, fully consistent with his oracular function.⁵⁴ The oracle is the appropriate vehicle for problem-solving, and the remedy regularly consists of some kind of ritual action.

The god's involvement in political affairs reveals much the same concern. Although the case of the Great Rhetra is not manifestly religious in its legislation, the oracle's involvement in Athenian political affairs includes a more visible ritual element. For in the organization of the festival calendar under Solon or the choice of the eponymous heroes for the ten Cleistheneic *phylai*, the oracle's role in organizing public affairs is inseparable from

⁴⁹ H25 (PW 330); cf. Q3 (PW 487).

⁵⁰ H31 (PW 284); H45 (PW 347); H52 (PW 349).

⁵¹ H7 (PW 160).

⁵² Even in addressing a particular concern, the oracle could nonetheless also prescribe ritual action. So H19 (PW 260) not only recommends concluding a peace treaty, but even specifies the gods who are to receive sacrifice and prayer for the treaty's success.

⁵³ Bowden (2005: 22ff.)

⁵⁴ Parker (1983: 138ff.); Burkert (1985: 147-8). See also the in-depth analysis of Dyer (1969).

ritual concerns.⁵⁵ Although the language of *themis* is not used at an early stage to describe the god's prescriptive or legislative function, one can see that it lurks not far beneath the surface. For as the principle on which the cosmos—from nature in general to the particularities of human interaction—is organized, when the oracle prescribes ritual actions or legislates a political order, the divine source for those actions and order implies that they are in line with what is proper, that is, what is *themis*. The idea that the oracle reveals the *boulê Dios* implies much the same thing. Oracles serve a need in Greek society. As I have argued, human beings neither have direct knowledge of what is *themis* nor do their *themistes* categorically realize the order of *themis*; divination overcomes both difficulties. When the god prescribes or legislates, it is easy to assume that the *boulê Dios* he reveals indicates what is *themis*, and that his oracles accordingly consist of *themistes*.

The idea that *themis* is implicit in the god's revelations is not new,⁵⁶ but many scholars have taken this point as the basis for further assumptions about the god's oracular function. I have already discussed one of these—that the semantic range of *themis* includes oracular elements from an early point—but for many, the implied relationship of *themis* and oracles also makes the god a voice of moral authority, as though its utterances were the equivalent to, for example, the Ten Commandments. Thus, one regularly reads that mortals' *themistes* are “inspired” by the gods and essentially equivalent to oracles.⁵⁷ The idea appears to be that the two share a capacity for mandating and achieving order. But while it is certainly the case that

⁵⁵ On Apollo's concern for ritual and political matters, see Graf (1979). On the inseparability of political and religious concerns in general, see Sourvinou-Inwood (2000; 2000a). One could also look to Epimenides' purification of Athens, which was commanded by the god but for which incompatible dates are attested—see Dyer (1969: 46)—or the Cylonian conspiracy (Thuc. i.126) as evidence of the coextensive nature of political and ritual advice.

⁵⁶ Ehrenberg (1921: 7, 21); Wolf (1950: 73ff.); Vos (1956: 18ff.).

⁵⁷ Hirzel (1907: 22); Ehrenberg (1921: 7, 21); Bonner-Smith (1930: 9ff.); Wolf (1950: 73ff.); Reinhardt (1966a: 27); Benveniste (1973: 382-4); Glotz (1988: 53); Yamagata (1993: 90); see also Scully (1990: 26). I have already argued at length that *themistes* have only a loose connection to any universal idea of *themis*.

the oracle's prescription becomes the appropriate response to a particular situation and more authoritative than any mortal figure's *themistes*, it is hard to view oracular utterance as the voice of universal order. The god is not the mouthpiece of Kant's categorical imperative, but a problem-solver whose prescriptions offer solutions for specific consultations. They are not universal maxims functioning at the level of a moral imperative. The distinction between modern and ancient thinking is important: the oracle may indicate what is *themis* for a particular situation, but that advice is keyed to a particular context. So when the god recommends signing a peace treaty, advises as to which specific deities should receive cult, or approves a colonizing expedition, the oracular response is *themis* inasmuch as it provides the solution to a specific query, not because the solution is 'customary' or universally applicable. A larger moral framework does not apply in matters of *themis*.⁵⁸

Apart from the context of divination, which implies the revelation of the *boulê Dios*, *Themis* is also affiliated with the *boulê Dios* from the phrase's earliest appearances in Greek epic. Already, despite the rarity of its appearances, it appears as a loaded expression. For it has been suggested that, in the context of epic, the phrase alludes to a particular mythological plan—that of relieving the earth of a human burden.⁵⁹ The first fragment of the cyclic *Cypria*, which most likely derives from its proem, runs as follows:

ἦν ὅτε μυρία φύλα κατὰ χθόνα πλαζόμεν' αἰεὶ
 (ἀνθρώπων ἐπίεζε) βαρυτέρνου πλάτος αἴης,
 Ζεὺς δὲ ἰδὼν ἐλέησε καὶ ἐν πυκιναῖς πραπίδεςσι
 κουφίσαι ἀνθρώπων παμβώτορα σύνθετο γαίαν,
 ῥιπίσας πολέμου μεγάλην ἔριν Ἰλιακοῖο,
 ὄφρα κενώσειεν θανάτῳ βάρος. οἱ δ' ἐνὶ Τροίῃ
 ἦρωες κτείνοντο, Διὸς δ' ἔτελείτο βουλή (fr. 1.1-7 [PEG]=F1 [EGF]).

There was a time when countless tribes <of mankind> with their endless wandering <trampled> over land, the plain of deep-breasted earth. And

⁵⁸ Pace Yamagata (1993: 72-92).

⁵⁹ Scodel (1982: 39); Marks (2002: 10). Scodel admits privately that she no longer holds this position.

observing this, Zeus had pity and gave consideration in his mind to relieve the all-nurturing earth of mankind, fanning great strife in the form of a war at Ilion so that he might lighten the burden by means of death. And the heroes in Troy began to die, and the *boulê Dios* began to be accomplished.

The fragment derives from a D-scholion to *Iliad* 1.5,⁶⁰ a verse which introduces the wrath of Achilles (and its results) by means of the same formula used in the *Cypria* (Διὸς δ' ἔτελείτο βουλή).⁶¹ It is doubtful that the scholion is wholly faithful to the *Cypria*,⁶² especially inasmuch as it appears to combine different traditions in its account,⁶³ yet the two 'plans' of Zeus nonetheless cohere: the wrath of Achilles in the *Iliad* will lead to much loss of life—for both Achaeans and Trojans—which roughly coincides with the intention of the *boulê Dios* in the proem-fragment to relieve the earth's burden.⁶⁴ Proclus' summary of the *Cypria* reinforces the connection to the *Iliad*: after Palamedes' death, he reports, the *boulê Dios* relieved the Trojans by having Achilles stand aside—a likely allusion to the opening of the *Iliad* and Achilles' quarrel with Agamemnon.⁶⁵ Even the *Odyssey* suggests that the *boulê Dios* is bound up with the destruction of both Achaeans and Trojans.⁶⁶ The repetition of the phrase *boulê Dios* in both the *Cypria*-proem fragment and Proclus' summary of the epic suggests not only its

⁶⁰ van Thiel (2000: II p.5).

⁶¹ There is some debate as to what the *boulê Dios* in *Iliad* 1 refers. While I focus on the interplay with the *Cypria* tradition, it must be noted that ancient commentators understood Homer as referring to the request he grants to Thetis (8.370-2; 13.347-50). So for Aristophanes and Aristarchos, the *boulê* appeared only after the appearance of Achilles' wrath (Σ A ad 1.5-6; see also Σ D ad 1.5 [van Thiel]=*Cypria* fr. 1 [PEG=EGF]). Marks (2000: 12-9) provides an exhaustive analysis of the *Cypria*-proem's grammar.

⁶² Scodel (1982: 39, n. 15) notes the difficulties in assuming that the whole of the scholiast's report derives from the *Cypria*. His reference to Momos, in particular, clashes with the summary of Proclus. Cf. Wilson (2007).

⁶³ See Marks (2002: 11, n. 29).

⁶⁴ On the basic narrative framework of the *Cypria* and multiformity, see Finkelberg (2000). Scodel (1982: 40, n. 16) notes that the repeated allusions in Euripides to easing the burden of overpopulation guarantee the reliability of the link.

⁶⁵ ἔπειτά ἐστι Παλαμῆδους θάνατος, καὶ Διὸς βουλή ὅπως ἐπικουφίση τοὺς Τρῶας Ἀχιλλέα τῆς συμμαχίας τῆς Ἑλλήνων ἀποστήσας (arg. 66-7 [PEG]=86-8 [EGF]). Marks (2002: 3) notes that the reference to Achilles' isolation is potentially not Iliadic, but a reference to his departure to Lesbos after killing Thersites in the *Aithiopsis* (arg. 6-10 [PEG]=7-13 [EGF]).

⁶⁶ At *Od.* 8.81-2, their respective sufferings accord with the *boulê Dios* (Διὸς μεγάλου διὰ βουλάς).

thematic importance for the *Cypria* itself,⁶⁷ but, in combination with the *Odyssey*'s reference to destruction, also implies a link with the *Iliad*, hinting at a larger background to Achilles' withdrawal from battle.

I am not so much concerned with demonstrating that the *boulê Dios* lies in the mythological background of both the *Cypria* and the *Iliad*,⁶⁸ but rather with outlining how the figure of *Themis* is implicated in that plan. If one looks beyond the proem-fragment (which introduces the *boulê Dios* as a theme) to Proclus' summary, one can get a glimpse of how the first few scenes of the epic would have set this theme in motion. For Proclus begins:

Ζεὺς βουλευέται μετὰ τῆς Θέμιδος περὶ τοῦ Τρωϊκοῦ πολέμου. παραγενομένη δὲ Ἔρις εὐωχουμένων τῶν θεῶν ἐν τοῖς Πηλέως γάμοις νεῖκος περὶ κάλλους ἀνίστησι Ἀθηνᾶ, Ἥρα καὶ Ἀφροδίτη (arg. 4-6 [PEG]=5-9 [EGF]).⁶⁹

Zeus deliberates with *Themis* about the Trojan war. And while the gods are feasting at the wedding of Peleus, Eris arrives and incites a quarrel concerning beauty amongst Athena, Hera, and Aphrodite.

Having introduced the theme of Zeus' plan in the proem, the epic apparently immediately turned to the enactment of that plan. Although Proclus does not reveal what *Themis* and Zeus discuss, their plot appears to have long-term implications: following the plotting (*βουλευέται*), the scene shifts to the wedding of Peleus and Thetis which becomes the precursor both to the birth of Achilles and to the judgment of Paris which sets the war in

⁶⁷ See Marks (2002: 6ff.) for an analysis of the *boulê Dios* as the chief structural and thematic element of the *Cypria*. See also Wilson (2007).

⁶⁸ Wilson (2007: 151-54), for example, goes so far as to identify the will of Zeus with the will of the poet. Their consistency reflects both the poet's adherence to tradition and the opportunity for him "to enter into the story" (2007: 153).

⁶⁹ While the manuscripts unanimously read *θέτιδος* for *θέμιδος*, Thetis makes no sense in this situation and Heyne's correction has to be correct. P.Oxy. 4306 (a mythological compendium) shows the same corruption (see n. *ad fr.* 1 col. ii.9ff.), while P.Oxy. 3829, which includes a narrative of *antehomeric*, corroborates that *Themis* is the deity in question: ὁ Ζεὺς ἀέβειαν καταγνοῦς τοῦ / ἥρωϊκοῦ γένους βουλευέται / μετὰ Θέμιδος ἄρδην αὐτοῦς ἀ-/πολέαι (ii.9-12); see also Plato (R. 379e6); Severyns (1965: 258-9).

motion.⁷⁰ *Themis*' involvement in these deliberations is both crucial and appropriate: her role as counselor underlies an important ontological distinction enforced by the plan. For if one digs deeper into the tradition involving the alleviation of earth, it appears that bound up with Zeus' decision is the annihilation of the race of the demigods and the separation of mortal and divine societies.⁷¹ Hesiod is most explicit about these events: it appears that at one time mortals and immortals freely mingled (which produced the race of demigods),⁷² but that Zeus subsequently decided to destroy them and have the immortals live separately.⁷³ He makes no mention of *Themis* in this context, but the fact that she is involved in this decision in the *Cypria* is no accident: since elsewhere in Hesiod she is the mother of the Fates (*Th.* 904-6), one can argue that she engenders the limits imposed upon mortal life. Because the crucial ontological distinction between mortals and immortals—that the former die—is incarnate in the offspring of Zeus and *Themis*, it is perfectly appropriate for *Themis* to appear with reference to Zeus' decision to bring to an end the period in which that ontological distinction is blurred: inasmuch as Zeus intends via the destruction of the demigods to prevent further

⁷⁰ Cf. M-W fr. 204.87ff., where Achilles has already been born when Zeus plans the *θέσκελα ἔργα* to relieve the earth.

⁷¹ The tradition surrounding demigods is complicated. It is clear that Hesiod's age of heroes is an insertion into a sequence of four metals imported from the Near East, and that it disrupts the pattern of decline in the ages. So in the catalogue their world resembles that of the golden age: see Vernant (1965: 56ff.); West (1978: 174ff.); Scodel (1982: 36ff.). But the motive for their destruction varies. The *Cypria*-proem offers overpopulation as its cause—supplemented by the scholiast's reference to human impiety—*μηδεμιάς ἀνθρώπων οὔσης εὐσεβείας* (Σ D *ad Il.* 1.5 [van Thiel]=fr. 1 [I] [PEG]=F1 [EGF])—and Euripides also refers repeatedly to overpopulation (e.g. *El.* 1282-3; *Hel.* 36-41; *Or.* 1639-42). Hesiod, however, offers no direct comment save that Zeus decided to marry Thetis to a mortal after she rejected his advances (M-W fr. 210). See Marks (2002: 11, nn. 29-30) for further discussion; and also de Roguin (2007: 247ff.) on the *Odyssey*'s explanation of the end of the age of heroes.

⁷² See M-W fr. 1.6-7: *ξυναὶ γὰρ τότε δαίτες ἔσαν, ξυνοὶ δὲ θόωκοι / ἀθανάτοις τε θεοῖσι καταθητοῖς τ' ἀνθρώποις.*

⁷³ That Hesiod has Zeus plan their annihilation following the birth of Achilles is consistent: why plot the demise of a race of demigods but then subsequently oversee the birth of one last one? On the decision and motivation see M-W fr. 204.95-103, which specifies that Zeus hastened to destroy the demigods (*ἤδη δὲ γένος μερόπων ἀνθρώπων / πολλὸν αἰστώσαις σπεύδεις*; 98-9) and that the gods lived separately (*ἀλλ' οἳ μὲν μάκ[α]ρες κ[α]ὶ]ν ὡς τὸ πάρος περ / χωρὶς ἀπ' ἀν[θ]ρώπων [βίοντος κα]ὶ ἦθε' ἔχων, 102-3).*

intermingling of gods and mortals,⁷⁴ their obliteration is concerned with order—cosmic, natural, and ontological. Such order, as we have seen, is very much bound up with the traditional semantic range of *themis*.

The epic tradition surrounding *Themis* and the *boulê Dios* appears distinct from the idea that Delphic oracles contain (or imply) *themis*. For epic *Themis* offers no revelation, prediction, or oracle to spur the *boulê Dios*,⁷⁵ but is a counselor to him and is appropriate to this function both because of their past relationship and because of the ontological and cosmic ramifications that the *boulê Dios* will bring about. I stress this point because, while divination by definition promises access to the *boulê Dios*,⁷⁶ *Themis*' epic role is not directly connected to Apollo's oracles or the implicit idea that they contain *themis*. By the early sixth century, however, this implicit idea becomes explicit, which opens the door for an oracular *Themis*. For in Himerios' prose summary of a *Hymn to Apollo* by Alcaeus,⁷⁷ the god is given a capacity for revealing *themis*: following Apollo's birth, Zeus equips him with golden *mitra* and lyre, and then sends him to Delphi in a swan-drawn chariot "to prophecy *dikê* and *themis* to the Greeks."⁷⁸ Note that Zeus personally commands Apollo's activity, and furthermore, that a semantic boundary has been crossed: Himerios' summary of Alcaeus contains the first attestation of a god revealing *themis* to mortals, and alongside a reference to *dikê*, the implications are manifestly prescriptive or legislative. The oracle now explicitly contains

⁷⁴ Cf. the Homeric *Hymn to Aphrodite*, which is also concerned with the mingling of mortals and immortals. This hymn appears to be a different take on the motif: Aeneas will be the last of the demigods, but it is essential to his mythological character that he survive the Trojan war (*Il.* 20.302ff.; *h.Ven.* 196ff.).

⁷⁵ I will shortly discuss the tradition preserved in *Isthmian* 8 as a variant (pp. 202-24, *infra*).

⁷⁶ Recall Odysseus' duplicitous allegation of an expedition to Dodona prior to his anticipated homecoming, the purpose of which is learn the *boulê Dios*: *Διὸς βουλήν ἐπακούσαι* (*Od.* 14.327-8=19.296-7). So too does Delphi's sole prophecy reflect the *boulê Dios* (8.80-1).

⁷⁷ fr. 307. The hymn opened the first book of the Alexandrian edition of Alcaeus' poetry: see also Lyne (2005: 543).

⁷⁸ *πέμπει... ἐκέϊθεν προφητεύ(ς)οντα δίκην καὶ θέμιν τοῖς Ἑλλησιν*: fr. 307c. So too in the Orphic *Shorter Krater*: *καὶ Θέμις ἤπερ ἅπασι θεμιστεύει τὰ δίκαια* (fr. 413.9 [PEG]).

themis. According to Himerios, moreover, Alcaeus' Apollo opted not to guide his chariot to Delphi, but (in disobedience of his father) to the Hyperboreans, where he spent a full year delivering *themistes*: ὁ δὲ ἔτος ὅλον παρὰ τοῖς ἐκεῖ θεμιστεύσας ἀνθρώποις.⁷⁹ If the first reference to divinely-revealed *themis* in Himerios' summary was an accident of no significance for my argument, this second one reinforces it; just as gods never reveal *themis* to mortals in epic, so too does the verb *themisteuein* typically describe legislative activity solely at the human level. So when Alcaeus' Apollo becomes king of the Hyperboreans, the anomaly that his immortal execution of a mortal office be described by the verb *themisteuein* is explained by the fact that he does so in defiance of his father's directions. Old and new semantics collide: Zeus' commands indicate that the oracle might reveal *themis*, but the god's role as king is fully consistent with the traditional sense of *themisteuein*, which described the mortal capacity for delivering *themistes*.

While the summary of Alcaeus' hymn links Apollo's prophetic activity, *themis* and the will of Zeus (inasmuch as Zeus directs Apollo's revelation of *dikê* and *themis*), Apollo's defiance of his father is somewhat unsettling. The Homeric *Hymn to Apollo*, however, reinforces both the semantic link and the two gods' relationship. As was discussed above, in the Delian hymn, the god describes the contents of his oracles as the *boulê Dios* (χρήσω τ' ἀνθρώποισι Διὸς νημερτέα βουλήν⁸⁰), and so too in the Pythian hymn, where he also calls his prophetic activity an act of *themisteuein* (τοῖσιν δέ κ' ἐγὼ νημερτέα βουλήν / πάσι θεμιστεύοιμι χρέων ἐνὶ πῖονι νηῶι).⁸¹ Apollo serves as his father's mouthpiece, and his use of

⁷⁹ fr. 307c.

⁸⁰ "I will also prophesy the unerring plan of Zeus to mortals" (*h.Ap.* 132). The specificity of the reference to his father is interesting since, as Rutherford notes (1988: 71), Zeus "hardly plays any part in the Delian part of the *Homeric Hymn to Apollo*."

⁸¹ "And to all of them I would prophecy the unerring plan [of Zeus], delivering oracles in my rich temple" (*h.Ap.* 252-3=292-3).

themisteuein, which in this context can only mean ‘deliver oracles’, not only takes up the new semantic idea that a god can prophecy *themis* (and that *themistes* are equivalent to oracles), but also normalizes the god’s activity. The result of the Pythian hymn’s syntax is that all three things—*themis*, oracles, and the *boulê Dios*—become essentially synonymous via a chain of semantic succession: the god delivers *themistes*; the *themistes* are oracles; and the oracles contain the *boulê Dios*—such are the implications of *θεμιστεύειν [Διὸς] νημερτέα βουλήν*. By this point in the sixth century, *themistes*, oracles, and the will of Zeus are all inextricably linked. The usage and semantic range of *themis* has shifted from a simple affiliation with the *boulê Dios* to being functionally equivalent to it: to deliver *themistes* is to reveal the *boulê Dios*, and implicit in the *boulê Dios* is *themis*.

c. Becoming Oracular

i. Introduction

Once *themis* has been identified with the *boulê Dios* and its semantic range expanded to apply to its revelation in the form of oracles, it becomes easy for personified *Themis* to appear as a goddess of prophecy. I have already discussed the ‘previous owners’ myth at some length—especially how the myth is both appropriate to the literary purposes of the poems in which it appears and how it reflects mythological innovation⁸²—but the *Eumenides* is not our first witness to the link between the oracular semantics of *themis* with a personified, prophetic *Themis*. Pindar’s eighth *Isthmian* ode presents a *Themis* who reveals the future to the

⁸² See pp. 139-45 (*supra*). One finds not simply a straightforwardly oracular *Themis* in the myth, but a figure who oscillates between her mother Gaia and her traditional union with Zeus. So for Euripides (*IT* 1242-82), *Themis* is linked most closely with her mother Gaia as a feminine, *chthonic*, oracular force replaced by the masculine and Olympian Apollo, while in Aeschylus (*Eum.* 1-8), *Themis* mediates between the oracular force of her mother and the emergent justice of Apollo’s new oracular seat. In the former, there is no trace of the traditional *Themis*, while in the latter, her epic affiliation with Zeus, right, and order persists.

immortals, foreseeing that a child of Zeus (by Thetis) would overthrow his father.⁸³ The myth, however, is quite novel, and *Themis*' new role involves an adjustment of the larger mythological background. For while *Themis* is traditionally affiliated with Zeus' decision to marry Peleus to Thetis,⁸⁴ the new oracular power she has in Pindar places her at odds with Zeus. In contrast to the two divinities' traditional affiliation in the context of Thetis' wedding and the *boulê Dios*, *Themis*' oracular power reveals the opposite: in Pindar, her revelation leads the other Olympians to prevent Zeus from destabilizing his own divine order. Pindar invokes a context within which *Themis* traditionally appears, but inverts her role both by depicting her counsel in language more appropriate to oracular utterance, and by actually detaching her from Zeus.

Recent evaluations have studied the origins of the myth involving Thetis' child in epic, and have argued that Homer alludes to it already in *Iliad* 1.⁸⁵ My examination of Pindar, in contrast, questions such assumptions of the myth's 'traditional' place. For not only is the late emergence of an oracular *Themis* in fifth-century myth inconsistent with this assumption, but the fact that this particular myth only appears for the first time in Pindar is also cause for pause. Because one's access to myth is limited by the sources in which it appears, in the absence of a prior attestation, an analysis of Pindar vis-à-vis epic must (at some level) do away with the powerful *a priori* assumption that the myth is wholly traditional, or the related assumption that Pindar is incapable of invention.⁸⁶ One need only consider the 'previous

⁸³ The pseudo-Aeschylean *Prometheus Bound* also treats *Themis*' warning, but I will discuss this work separately in the next chapter.

⁸⁴ This marriage is, according to Proclus' summary of the *Cypria*, the first step in the enactment of the *boulê Dios* (arg. 4-6 [PEG]=5-9 [EGF]).

⁸⁵ Slatkin (1991: 53-84).

⁸⁶ Solmsen (1949: 128ff., n. 19): "It is attractive to think, with Farnell, that... Pindar invented the entire story of *Themis*' warning prophecy which put an end to Zeus' and Poseidon's wooing, but I am—perhaps unjustifiably—reluctant to credit Pindar with the free invention of such an elaborate story and

owners' myth to see a fifth-century reworking of mythological history based on other mythological schemata, and in what follows I will similarly subject the myth in Pindar to critical analysis. Just as the 'previous owners' incorporates mythological patterns from Hesiod and the Homeric *Hymn to Apollo* to situate its innovative transmission of the oracle in a wider mythological context, so too does *Isthmian* 8 reveal the incorporation of an oracular *Themis* into the larger mythological pattern of the child who is fated to overthrow his father.

ii. **Oracular Themis and the Marriage of Thetis**

Some two decades prior to the 'previous owners' myth in the *Eumenides*-prologue,⁸⁷

Pindar's eighth *Isthmian* ode provides the first glimpse of an oracular *Themis* in action. For as Zeus and Poseidon quarrel, she recommends how Thetis should be married to Peleus:

Ζεὺς δὲτ' ἀμφὶ Θέτιος
 ἀγλαός τ' ἔρικαν Ποσειδᾶν γάμω,
 ἄλοχον εὐειδέα θέλων ἐκάτερος
 ἔαν ἔμμεν· ἔρωσ γὰρ ἔχεν.
 ἀλλ' οὐ σφιν ἄμβροτοι τέλε- 30
 καν εὐνὰν θεῶν πραπίδες,

ἐπεὶ θεσφάτων (ἐπ)άκου-
 καν· εἶπε δ' εὐβουλος ἐν μέσοισι Θέμις,
 εἴνεκεν πεπρωμένον ἦν, φέρτερον πατέρος
 ἄνακτα γόνου τεκεῖν
 ποντίαν θεόν, ὃς κεραυ-
 νοῦ τε κρέσσον ἄλλο βέλος 35
 διώξει χερὶ τριόδου-
 τός τ' ἀμμαιμακέτου, Ζηνὶ μισγομένην
 ἢ Διὸς παρ' ἀδελφείοισιν. ἀλλὰ τὰ μέν 35a
 παύσατε· βροτέων δὲ λεχέων τυχοῖσα
 υἱὸν εἰσιδέτω θανόντ' ἐν πολέμῳ (I. 8.27-36a)

such a bold and speculative oracle." Köhnken (1974) has clearly demonstrated Pindar's ability to innovate in mythological matters for his own literary purposes.

⁸⁷ The poem's reference to ἀτόλματον Ἑλλάδι μόχθον (11) has been interpreted as a reference to the second Persian invasion, and a date of 478 is offered by Snell-Mähler without question. Köhnken (1975: 25, n. 2) is similarly assertive regarding the date. Cf. Carey (1981: 184-5) for a more skeptical analysis of the evidence.

...when Zeus and glorious Poseidon quarreled over marriage to Thetis, each one desiring her to be his beautiful wife (Eros was seizing them both). But the immortal designs of the gods did not accomplish this union for them, for they had learned of oracles. *Themis* of good-counsel spoke in their midst, that it was fated for the sea-goddess to bear a child-ruler who would be mightier than his father, and who would wield another weapon in his hand, one mightier than the thunderbolt or the tireless trident, were she to conceive by Zeus or one of his brothers. “Stop this,” she told them, “and let her keep to a mortal’s bed, and look upon her child dying in battle...”

Much in Pindar’s version recalls the epic tradition preserved in Proclus’ summary of the *Cypria*, and it is clear that Pindar is concerned with alluding to (if not preserving faithfully) *Themis*’ epic role. For one thing, the epithet he provides her is *εὐβουλος*, which evokes her epic role as a counselor to Zeus.⁸⁸ So too do her actions: as in the *Cypria* (and the *boulê Dios* it sets in motion), Pindar’s *Themis* is involved in the decision to marry Thetis to Peleus,⁸⁹ and therefore with the dual outcome of that marriage—namely, that it will produce Achilles as its issue, who, as a mortal, will also be doomed to suffer death. I will discuss the motivation for this marriage shortly, but on the surface, it appears that Pindar adheres to the traditional pattern of the *boulê Dios* which associates *Themis* with the marriage of Thetis and the onset of the Trojan war.

Isthmian 8 reflects epic in other respects. For in addition to the context offered by the *Cypria* and the *boulê Dios*, Pindar also alludes to particularly Iliadic moments. Although the Trojan war is invoked only later (49ff.), the remark that Thetis’ mortal son will be mighty yet die in battle, not to mention the reference to his mighty weapon (32-36a), both allude to the *Iliad* and especially to the Homeric narrator’s assertion that Achilles alone could wield his Pelian-ash spear (16.140-4). Even the mortal Achilles, Pindar suggests, will be unrivalled by his

⁸⁸ So too at *O.* 13.8; fr. 30. Corsano (1988: 17ff.) stresses this epithet and *Themis*’ suggestion to the divine community.

⁸⁹ In addition to the *Cypria*, she is also present in art: so *Themis* appears in Sophilos’ famous *dinos* depicting the wedding (ca. 580 BCE: London 1971.11-1.1).

peers.⁹⁰ So too does Zeus' quarrel with Poseidon have Iliadic overtones; of the trio of gods regularly in conflict with Zeus in Homer, Poseidon is the only potential rival for Thetis' hand, and his opposition to Zeus' will, especially as it pertains to Thetis, provides a tidy structural parallel.⁹¹ It has even been argued that the diction of the ode also alludes to the *Iliad*.⁹²

But despite its adherence to established material, Pindar's myth nonetheless departs from tradition. For one thing, there is simply no evidence before the fifth century for a tradition in which Zeus and Poseidon quarrel over Thetis but are persuaded by *Themis* that she be married to Peleus.⁹³ If one can speak of an epic 'tradition', the story there runs counter to Pindar's: according to Philodemos, in both the *Cypria* and Hesiod, Zeus married Thetis to a mortal out of anger since she had rejected his advances as a favor to Hera.⁹⁴ This version is not

⁹⁰ The allusion is subsequently assumed to be part of the prophecy itself—Achilles will simply be superior to his father—divine or human (τὸν ἐκ Θέτιδος γενόμενον ἀμείνονα ἔσεσθαι τοῦ ἰδίου πατρός, Σ D *ad Il.* 1.519 [van Thiel]); see also Hyginus *Fab.* 54; *Ast.* 2.15. Pindar, however, is specific that Achilles' prophesied power is dependent upon an immortal father; the condition of the prophecy is Thetis "mingling with Zeus or one of his brothers" (Ζητὶ μίχγομένην / ἢ Διὸς παρ' ἀδελφεοῖσιν, 35-35a).

⁹¹ Poseidon is a problematic inclusion in this myth: the Hesiodic pattern I will shortly discuss cannot account for his role, and even the scholiast notes that this aspect of the myth is unique (*ἰδιαζόντως ὁ Πίνδαρος καὶ Ποσειδῶνα φησὶν ἀμφιβετηῆσαι περὶ τοῦ γάμου· ἢ ζητητέον, τίμη κατακολούθησεν ὁ Πίνδαρος* [Σ *ad I.* 8.57b]). Köhnken (1975: 28) argues that the god's presence in *Isthmian* 8 and *Nemean* 5 is to "honour the god of the Isthmos who is responsible for Kleandros' and Nikokles' Isthmian successes." I suspect rather that a further schema may be at work: for Poseidon is regularly defeated in contests with other gods. So he loses Athens to Athena (Hdt. viii.55; Paus. 1.24.5, 1.26.5); Argos to Hera (Apollod. 2.1.4; Paus. 2.15.5, 2.22.4); and also his lawsuit against Ares before the Areopagus (D. 23.66; Din. 1.87; Apollod. 3.14.2); cf. the case of Corinth, where he gains the isthmus but loses Acrocorinth (τὴν ἄκραν ὑπὲρ τῆς πόλεως, Paus. ii.1.6).

⁹² Greengard (1980: 35-6, n. 27). Despite Slatkin's assertion (1991: 77, n. 26), Greengard does not provide evidence for this claim, but traces other Iliadic qualities of the mythic narrative. Farnell, however, (1930-2: i.287) notes that the conclusion to *Themis*' prophecy adapts "one of Homer's greatest phrases, expressing divine assent", which he elsewhere (1930-2: ii.382) clarifies as the lines ὡς φάτο Κρονίδαίς / ἐννέποικα θεά· τοὶ δ' ἐπὶ γλεφάροις / νεύσαν ἀθανάτοισιν (45-46).

⁹³ Cf., for example, Pindar's own fifth *Nemean* ode (34ff.). The first artistic depictions of Zeus and Thetis are in red-figure pottery ca. 480/70: see LIMC *ad Thetis* (IV) 4-5. Poseidon is not depicted with her. The *Iliad* has no need to refer explicitly to Zeus (or Poseidon's) aborted union with Thetis, but as I show, what it does suggest is consistent with other traditions.

⁹⁴ ἔτι δὲ ὁ τῆς Κύπρια γράψας τῇ Ἡρᾷ χαρίζομένην φεύγειν αὐτὴν τὸν γάμον Διὸς· τὸν δ' ὀμόσαι χολωθέντα διότι θνητῶ κυνοικίσει· καὶ παρ' Ἡσιόδω δὲ κείναι τὸ παραπλήσιον ("Again, the author of the *Cypria* says that she fled a marriage to Zeus as a favor to Hera. And in his anger he swore that she

out of line with the *Iliad*, which also suggests the goddess' closeness to Hera in the latter's claim that she herself raised Thetis and gave her to Peleus for marriage (24.59-61).⁹⁵ Unlike Hera's perspective on other bastard sons and paramours of Zeus, it is notable that she bears no ill-will towards either Achilles or Thetis in the *Iliad*. For Hera's anger is directed at Troy, on whose destruction she repeatedly insists: Achilles' withdrawal stalls the achievement of her goal.⁹⁶ So too does the *Iliad* bolster the point about Zeus' anger: in admitting that she was unwilling to marry Peleus (18.429ff.), Thetis places the blame for her unhappiness (and that of her son) directly on Zeus, which implies all the more that the marriage was indeed a favor to Hera.⁹⁷ Far from indicating closeness to Zeus, the Homeric narrative repeatedly stresses Thetis' marginalization: despite rescuing Zeus at one point in the past (1.393-406), she no longer frequents the company of the Olympians, and both her union to Peleus and the sad fate of her son Achilles reflect a terrible reversal of fortune on her part.⁹⁸ The contrast between her past good fortune and her current sadness is jarring,⁹⁹ and Zeus' anger provides a plausible explanation.

If the marriage of Thetis was traditionally a consequence of Zeus' anger and essentially a favor to Hera, Pindar deviates in his version. For not only does his *Themis* motivate the

would live with a mortal man. Something similar also appears in Hesiod.") *On Piety* B 7241-50 (Obbink).

⁹⁵ See also Hera's words at Apollonios 4.790-8.

⁹⁶ Cf. the story surrounding her persecution of Herakles (14.249ff.). Her opposition to Zeus cavorting with Thetis in *Iliad* 1 is easily explained: she is well aware of the quarrel (e.g. 1.195ff.) and the conclusion that Thetis' visit to Zeus involves reparations for her son is obvious. From Hera's perspective, such reparations will surely involve harm to the Achaeans and Zeus is well aware that this will cause consternation. Cf. de Roquin (2007: 91-8).

⁹⁷ Her unwillingness is marked in artistic depictions, which depict either the marriage procession or Peleus seizing her by force. So there is the black-figure Neck-Amphora by the Eye-Siren painter (ca. 510: London B 215); and the red-figure cups by the Epeleios painter (ca. 510: Munich 2619A) and Peithinos (ca. 500: Berlin-Charlottenburg F2279). See Schefold (1992: 208-11).

⁹⁸ Her marginalization is similarly noted by Hephaistos (18.424-7), who (as Philodemos reports) also once loved her (*On Piety* B 7497-7503 [Obbink]).

⁹⁹ On the contrast between her past service and current unhappiness, see Slatkin (1991: 77ff.); de Roquin (2007: 42ff.).

marriage to Peleus, but she also suggests it not as some sort of punishment for Thetis, but as a reward for Peleus' piety:

τὸ μὲν ἐμόν. Πηλεί γέρας θεόμορον
ὀπάσσαι γάμου Αἰακίδα.
ὄν τ' εὐσεβέστατον φάτις
Ἴαολκοῦ τράφειν πεδίον· (38-40)

As far as I'm concerned, cede the gift of the marriage—a divine portion though it is—to the Aiakid Peleus, concerning whom the word is that he is the most pious man raised on the plan of Iolkos.

As I will discuss in further detail below, Zeus plays virtually no role in Pindar's account of the background to Thetis' marriage. Instead of making his anger the motivator for the union, Pindar stresses rather Peleus' exceptional character, which results in a unique and exceptional gift.¹⁰⁰ For as the adjective *θεόμορον* suggests, for a mortal to be allotted marriage to a goddess is extraordinary: the gift is literally a 'divine portion' (or a 'portion consisting of a god'). All of these elements have no known precedent in the epic tradition.

Pindar goes further still in varying the traditional depiction of Thetis; in the ode, she figures solely as the object of Zeus and Poseidon's dispute and the victim (if one can use such a term) of *Themis*' warning.¹⁰¹ In other words, she is largely devoid of character. Instead of actively participating in affairs on Olympus as she does in Homer,¹⁰² or rejecting Zeus as the *Cypria* and Hesiod describe, Pindar deprives her of a further role beyond the prophesied power of her offspring: she is defined wholly by the unborn child, the marriage to Peleus, and the

¹⁰⁰ By focusing on Peleus' piety as the reason for the match, Pindar may also be providing a positive counterpart for the traditional motivation for the demigods' destruction. For as is the case in deluge- or destruction myths in other traditions, the disaster surrounding the *boulê Dios* is traditionally a response to the impiety of mortals: *μηδεμιάς ἀνθρώπων οὔσης εὐσεβείας*, Σ D ad II. 1.5 (van Thiel).

¹⁰¹ Muellner goes far beyond the text in arguing that "According to a tradition first attested in Pindar, Thetis acceded to marriage with the mortal Peleus instead of Zeus in order to avert the birth of a son who would be stronger than his father" (1996: 95-6). But Thetis neither accedes nor responds to the prophecy in Pindar: this is precisely the misrepresentation of source material I hope to avoid.

¹⁰² Her epic character appears bound up with the fact that she assists gods in need (Σ bT 18.395-8). See also Willcock (1977: 44, n. 15).

mortal son it will produce.¹⁰³ Thetis is still primarily affiliated with a threat to Zeus' power (as she is in *Iliad* 1), but Pindar has inverted the implications of that affiliation. The child of Thetis is not the instrument of Zeus' will that Achilles turns out to be in the *Iliad*,¹⁰⁴ but for Pindar rather the potential instrument of his downfall. So too is Thetis no longer the protector of Zeus' regime, but rather the potential mother of its undoing: in contrast to the image of her unbinding Zeus in *Iliad* 1, for Pindar it is only by avoiding her that Zeus can maintain power and avoid the threat posed by her offspring. Even the presence of Eris—Zeus and Poseidon 'quarrel' (ἔρισαν, 27)—recalls Eris' presence at her wedding in the *Cypria*.¹⁰⁵ Pindar is certainly invoking traditional material, but departs from it in depicting the marriage, its contexts and motivations in different terms.

Further reinforcing the changes made to Thetis and to the motivation for her marriage to Peleus in Pindar is the presence of an oracular *Themis*. For although crucial, inasmuch as she prophesies concerning Thetis' child, her presence is a surprise inasmuch as an oracular role is inconsistent with her epic function. The suspicion persists that Pindar's version of the myth modifies epic material. For much is unusual: *Themis* not only has knowledge of what is fated (πεπρωμένον 32)—which is understandable given her Hesiodic role as the mother of the Fates—but, more importantly, she also prophesies it to the collected Olympians, who then

¹⁰³ Melanippides is said to have composed a dithyramb in which Zeus married a pregnant Thetis to Peleus after hearing Prometheus and Themis' warning (fr. 765 [PMG]=Σ T *ad Il.* 13.348-50), but this myth is problematic. For if Zeus is the child's father (as the testimony implies), the child will presumably be immortal—even if the mother is married to a mortal following conception. This dithyramb is presumably from the second half of the fifth century, and therefore potentially influenced by the innovations of Pindar and *Prometheus Bound*. On the fame of this poet in the later fifth century, see X. *Mem.* i.4.3.

¹⁰⁴ It is, of course, ironic that Achilles' wishes are also at the root of the quarrels between Zeus and the other gods in the *Iliad*—even Thetis' mortal child stirs up trouble amongst the gods.

¹⁰⁵ One could argue that Zeus and Poseidon's dispute reveals a further motif at play: since the wedding of Peleus and Thetis was the traditional venue for Eris' troublesome appearance, it is notable that a similar context of strife surrounds Thetis even at the stage of her courtship in Pindar (ἔρισαν, I. 8.27).

heed her warning (*θεσφάτων ἐπι*ἀκούσαι 31) and prevent the union. The public element is crucial; not only does *Themis* address the gods as a community (*ἐν μέσοις*, 31),¹⁰⁶ but the decision concerning Thetis is ultimately theirs and in their collective interest.¹⁰⁷ In contrast to a cosmic monarchy under Zeus, Pindar presents rather a divine aristocracy at work,¹⁰⁸ and in place of the abstract idea of the *boulê Dios* plotting the marriage of Thetis as part of some larger plan, Pindar effectively replaces it with the figure of *Themis* who has a much more immediate purpose. The result is that Zeus is paradoxically relegated from an effective involvement in matters in which he traditionally exerted autonomy.

Like the implicit relegation of Zeus from sovereignty, the terminology describing *Themis*' prophecy is also unusual. Particularly noteworthy is the label *θέσφατα* (31) that describes her warning. For while the adjective *θέσφατος* denotes something divine (usually fate or oracles—as its etymology indicates), it normally does so specifically in relation to human beings.¹⁰⁹ Given that *Themis*' advice in *Isthmian* 8 is delivered directly to the divine

¹⁰⁶ See Croally (2007: 61ff.) for further discussion of the expression 'in the middle'.

¹⁰⁷ Köhnken (1975: 34, n. 19 [3]) and Corsano (1988: 19-20) point out that *Themis* suggests the preservation of the existing order and prevents further discord among the gods, but they decline to elaborate on how this makes her appropriate for the role in the ode, or how this results in an oligarchic regime distancing Zeus from the maintenance of the divine order.

¹⁰⁸ The gods thwart a divine marriage for Thetis (*οὐ σφιν... τέλεσαν*, 30); cf. the softer opposition to Zeus will at *Il.* 16.443 (*οὐ τοι πάντες ἐπαινέομεν θεοὶ ἄλλοι*). Zeus ultimately consents to *Themis*' suggestion, but does so in consort with Poseidon (46a-47) and in accordance with the other gods' wishes (30). Reading the dual *ἄνακτε* (47-47a), Köhnken (1978: 93-4) argued that the roles of Zeus and Poseidon frame the passage: initially, the two quarrel over her (*ἀμφὶ Θέτιος... ἔρισαν... γάμω* 27-27a), but after *Themis*' prophecy, their concern is extended to her marriage (*ἀλέγειν / καὶ γάμον Θέτιος* 46a-47).

¹⁰⁹ So Paris is unaware of the divine plan (*θέσφατα*) his voyage to Sparta will set in motion (*Il.* 5.62-4), Odysseus enjoys the protection of a divine mist on Phaeacia (*θέσφατος ἄηρ*, *Od.* 7.142-3), Teiresias reveals divine knowledge to him in the underworld (*κατὰ θέσφατ' ἔλεξεν*, *Od.* 11.150-1) and Melampus to Iphicles (*θέσφατα πάντ' εἰπόντα*, *Od.* 11.296-7). When used in an impersonal construction, the adjective similarly describes fate or the divine will, but again, especially vis-à-vis mortals: Zeus predicts both Patroclus' death and Achilles' return to battle (*ὥς γὰρ θέσφατόν ἐστι*, *Il.* 8.470-7) and Proteus Menelaus' death (*οὐ θέσφατόν ἐστι*, *Od.* 4.561ff.). Odysseus' companions similarly urge their departure

community (and not to mortals), it is somewhat anomalous that it is characterized in the language more appropriate to oracular wisdom passed down to mortals.¹¹⁰ A parallel usage of *θέσφατος* appears in the Homeric *Hymn to Hermes*, which also suggests the novel idea that the term can operate amongst the gods, but which also appears anomalous. As Hermes and Apollo negotiate their respective honors near the end of the hymn, Hermes first describes Apollo's oracular power (*μαντεία*) as containing *θέσφατα πάντα* (472), and (as one would expect) those *θέσφατα* apply specifically to mortals later in the poem (539ff.). Yet in the same exchange, Apollo tells Hermes that his alone is the power of oracular prophecy:

*μαντείην δὲ φέριστε διοτρεφέες ἦν ἐρεείνεις
οὔτε σε θέσφατόν ἐστι δαήμεναι οὔτε τιw' ἄλλον
ἀθανάτων· τὸ γὰρ οἶδε Διὸς νόος·* (533-5).

But it is not divinely ordained for you or for any other immortal to learn the prophetic power of which you ask, mighty and cherished by Zeus though you are. For the mind of Zeus knows this.

Apollo's use of *θέσφατος* is strange: as in *Isthmian* 8, the adjective describes a restriction placed on the gods, seemingly without reference to a mortal context.¹¹¹ But far from establishing that *θέσφατος* operates at the level of the gods, the anomaly stands out for its playful tone; Apollo describes the decree asserting that no other god possess the gift of oracular prophecy in the language appropriate to oracles. The underlying force of the assertion is 'you can't be an oracular god because I, in my oracular power, decree that only I can do so—and this is Zeus' will (which, since you're not an oracle, you can't ascertain).' In other words,

from Ogygia (*εἴ τοι θέσφατόν ἐστι καωθῆναι*, *Od.* 10.472ff.), and elsewhere in Pindar so too are the conditions of Pelias' demise *θέσφατος* (*P.* 4.71ff.).

¹¹⁰ I do not assert that it does not involve mortals (for Peleus will end up marrying Thetis) but that the prophecy does not involve the revelation of divine knowledge to a mortal audience.

¹¹¹ Subsequent literary uses, in which it refers almost exclusively to oracles, further indicate the strangeness of the term in Pindar and the hymn.

only Apollo (and Zeus, whose mouthpiece he is) can assert what is *θέεφατον*.¹¹² In arguing that it is not *θέεφατον* for Hermes to be an oracle, Apollo relies on vocabulary exclusive to his station.

Pindar's use of the substantive *θέεφατα* is not as overtly playful as the Homeric hymn's,¹¹³ but in light of the restrictive and authoritative force of *θέεφατον* in the hymn, the facts that *Themis* alone utters *θέεφατα* and does so before a divine community reinforce the suggestion that Pindar's *Themis* has a novel authority over an unusual divine regime that is ignorant of what she will reveal. In the *Hymn to Hermes*, the authority over what is *θέεφατον* is essentially restricted to two figures: Apollo and Zeus. Pindar's portrayal of *Themis*' prophecy implies much the same thing, but goes so far as to exclude even Zeus from that limited group—an even greater paradox! By having *Themis* prophesy to the divine community, he places responsibility for Thetis' marriage in the hands of an aristocracy and declines to present an autonomous divine monarch.¹¹⁴ And although the word literally means 'god-uttered' or 'divinely determined' (and hence, 'permitted' or 'fated' in its impersonal use),¹¹⁵ it is nonetheless implied that the number of gods who might utter *θέεφατα* is, paradoxically, extremely limited. *Themis*' authority vis-à-vis Zeus—like that of the divine community—is marked as strange.

¹¹² See Scheinberg (1979: 11, 27) for how Apollo's gift of the bee-maiden oracle nonetheless connects Hermes to Zeus while distinguishing his oracular power from Apollo's.

¹¹³ The strangeness of these two texts' usage is further reinforced by their temporal proximity: for scholarly consensus places the Homeric *Hymn to Hermes* somewhere between the late sixth century and the early fifth century: see Eitrem (1906: 282); Radermacher (1931: 216, 222); Janko (1982: 133-50); Kirk (1985a: 74). Cf. Allen, Halliday, Sikes (1936: 275-6), who, as Johnston argues (2002: 109, n. 1), offer a seventh-century date on "the dubious grounds that the *Hymn* would refer only to places that still existed at the poet's time." Far from grounding the Pindaric usage in a traditional context, the hymn and Pindar are roughly contemporary.

¹¹⁴ As Reinhardt (1966a: 29) puts it, "[Pindar] hebt *Themis* so hoch über Zeus hinaus, daß Zeus dadurch zum Blinden wird."

¹¹⁵ See also Braswell (1988: ad 71 [e]).

The contents and purpose of *Themis*' speech to the gods are similarly unusual. For while the potential for cosmic upheaval is enough of a reason for objecting to Thetis' union to an immortal, the reason she proffers for her particular solution—marriage to Peleus—is far less transparent. As she puts it, the word (*φάτις*) is that Peleus is most upright (*εὐσεβέστατον*, 40). Like the narrator's reference to her *θέσφατα*, the force of *Themis*' reference to *φάτις* is difficult to pin down; when of divine origin, it refers to oracles,¹¹⁶ but in the current context, it seems to denote something closer to rumor or common chatter. That an oracle would reveal common knowledge or justify itself on the basis of common knowledge, however, is paradoxical.¹¹⁷ *Themis*' warning is being framed as an oracle from a voice of inscrutable authority, and the fact that she delivers it before a divine (and not mortal) audience further privileges her position:¹¹⁸ one must view her suggestion more as a directive than as relying on rumor, and *φάτις*—despite its connotations of chatter—more as a forceful assertion.

Pindar's decision to make *Themis* the voice of unique authority recommending Thetis' marriage leads to a further problems. For if her traditional relationship to the *boulê Dios* and the wedding which set it in motion was consistent with her status as the mother of the Fates and (therefore) of the ontological distinction of mortals and immortals,¹¹⁹ in Pindar this role is reversed. Far from preventing the further production of offspring who represent the ontological confusion of mortal and immortal, Pindar's *Themis* actually recommends it: as her

¹¹⁶ Cf. *A. Pers.* 226-7; *Ag.* 1130-3, with the note of Denniston & Page *ad* 1130ff.: "I wouldn't boast that I'm a summit of divine wisdom, but I liken these things to some kind of misfortune. What good message [i.e. of good] for human beings comes from oracles?" (*οὐ κομπάσαιμι' ἂν θεσφάτων γνώμων ἄκρος / εἶναι, κακῶ δέ τω προσεικάζω τάδε. / ἀπὸ δὲ θεσφάτων τίς ἀγαθὰ φάτις / βροτοῖς τέλλεται*;) See also *S. OT* 151; 310; 1440-1.

¹¹⁷ The term also troubled Bergk and Wilamowitz: see Farnell (1930-2: ii.381).

¹¹⁸ Of the twenty-six instances of direct-speech in Pindar, he quotes a god only six times: *O.* 6.62-3; *O.* 8.42-6; *O.* 13.67-9; *P.* 3.40-2; *P.* 9.30-7; *N.*10.80-8; *I.* 8.35a-45.

¹¹⁹ See pp. 197-8 (*supra*).

own language admits, the marriage is a *γέρασ θεόμορον* (38)—an extraordinary gift for a mortal like Peleus, which will produce the demigod Achilles.

Before moving on to the role of Pindar's own literary purposes in portraying an oracular *Themis* in the context of Thetis' marriage, I wish to point to a final semantic link implicit in the myth of *Isthmian* 8. For in substituting personified *Themis* for the *boulê Dios* and characterizing her revelation in the language appropriate to oracles, Pindar takes up precisely the kind of semantic relationship first glimpsed in the Pythian portion of the Homeric *Hymn to Apollo*. There, the oracular god asserted that he would prophesy the unerring *boulê Dios* in the form of *themistes* (*θεμιστεύειν [Διὸς] νημερτέα βουλήν*¹²⁰), simultaneously linking oracles with the revelation of the *boulê Dios* and classifying them as *themistes*. Pindar does much the same thing: he takes up the *boulê Dios*' affiliation with the marriage of Thetis, associates it with oracular prophecy, and identifies both with the semantic field of *themis*. But instead of simply describing the prophecy itself in the language of *themis*, Pindar takes the personified divinity and turns her into an oracular figure. This is the first appearance of an oracular *Themis* in Greek literature, and two facts testify to the novelty of the scene: she appears in her new capacity in a traditional context, but as a substitute for the *boulê Dios* underlying that context. She may be *εὔβουλος*,¹²¹ but the *Themis* of *Isthmian* 8 appears in very much a non-traditional role.

While Pindar invokes traditional material in presenting *Themis*' warning to the divine community, the place of his myth amongst the tradition is belied by the details of his presentation. For not only do we find in *Isthmian* 8 a new *Themis* and an unfamiliar Thetis, but both the motivation for the marriage and the divine regime forbidding it appear at odds

¹²⁰ *h.Ap.* 252-3=292-3, with *Διὸς* inserted on the basis of the parallel phrasing at 132.

¹²¹ Vos (1956: 58ff.) notes that the adjective *εὔβουλος* links *Themis*' two aspects, but fails to notice how divorced Zeus and *Themis* become in the ode.

with expectations. That there is no tradition of a quarrel between Zeus and Poseidon over Thetis further reinforces the idea that Pindar's myth and the role of an oracular *Themis* reflect a degree of mythological innovation. The fact that Pindar's *Themis* has a capacity for uttering *θέεφρατα* independent of Zeus downplays the traditional role of the *boulê Dios* even as it preserves *Themis*' link with the marriage. The assertion that "It seems reasonable to suppose that Pindar in *Isthmian* 8 draws on mythology present in the *Iliad* in some form, and recoverable from it—even if deeply embedded and only allusively evident to us"¹²² is too imprecise, and in the face of more specific evidence, cannot be blindly accepted.

iii. Innovation and Epinician

The idea that Pindar is innovating on mythological material is a delicate matter, and in arguing that the myth in *Isthmian* 8 reflects innovation, I run the risk of being misrepresented. I hope that it is clear that I neither hold that the ode is wholly devoid of traditional material, nor that am I attempting to delineate its innovations with surgical precision. As I have shown, Pindar invokes both *Themis*' epic role and other epic motifs, and that a poet should assume his audience's familiarity with a tradition he invokes only elliptically is unsurprising.¹²³ For the present purposes, however, the result is a paradox: the incorporation of familiar, inherited motifs gives the impression that the myth is traditional, while the casting of new characters into those traditional roles suggests innovation. I am more focused on the latter: there may very well have been traditions, for example, in which a child of Thetis is fated to overthrow his Olympian father,¹²⁴ or even that someone issues a warning concerning that

¹²² Slatkin (1991: 76-7, n. 26). I will discuss Slatkin's argument further in the next section of my discussion.

¹²³ See Foley (1991); Scodel (2002: 11ff.). Both works primarily discuss oral traditions, but as this tradition looms large over both Pindar and his audience, it is equally in play for his purposes.

¹²⁴ Farnell argues outright that Pindar was "the author of the motive concerning the prophecy concerning the son greater than the father" (1932: ii.379). I take up some of his arguments in greater

child.¹²⁵ My point is that Pindar provides our first attestation of a myth involving *Themis* prophesying the power of Thetis' child by Zeus,¹²⁶ and given that he presents it in the context of a larger tradition that is silent on the topic, some caution is necessary. Each version of a myth is bound to the particular source in which it appears, and each version has its own literary function as well. Epic's collective silence may reflect that a divine child of Thetis has no role to play, but in those terms, an analysis of Pindar—for whom the myth clearly has a role to play—becomes all the more necessary.

Pindar's version of the myth, I argue, both reflects his own literary agenda and modifies familiar mythological schemata in a manner incompatible with those schemata. In other words (and as should already be clear), the impression of his myth's antiquity is belied by the details it contains. Underlying Pindar's alteration of the traditional mythology concerning Thetis is not simply the adjustment of *Themis*' traditional aspect in favor of an oracular aspect, but also the incorporation of different mythological schemata. I have already introduced one such schema—the substitution of an oracular *Themis* for the *boulê Dios*—but so too does Pindar's version of the threat of succession incorporate another motif. For in imagining a situation in which a father is warned of the threat potentially posed by his offspring, one finds a parallel to the succession pattern presented in the *Theogony*.¹²⁷ Although

detail in what follows, but based on the Hesiodic pattern it employs, I shrink from asserting outright that the myth is wholly innovative.

¹²⁵ It has long been argued that Pindar and *Prometheus Bound* utilize the same source, and that Apollodoros' version (3.13.5) is comparable but also incorporates others into it. See, for example, the summary in Slatkin (1991: 74, n. 23); Σ *ad I.* 8.57a. Apollonios' *Argonautica* preserves a fairly complete amalgam of the various myths (4.790ff.).

¹²⁶ I will discuss the *Prometheus Bound* separately in the next chapter.

¹²⁷ First noted by Farnell (1932: 379-80); see also Griffith (1983: 5). West (1966: 401) considers the myth of Metis and Athena in Hesiod a composite, crafted on the basis of a) the pattern of deposition and succession, especially that of Kronos, b) Athena's birth from Zeus' head, rationalized by his swallowing a wife, and c) the identity of that wife as determined by Athena's character. West notes the different versions of the child who would overthrow Zeus: Athena, Typhoeus, and (as I argue is a later

Kronos also receives one such warning, Pindar's Thetis is more analogous to the Hesiodic Metis: warned by Gaia and Ouranos that he would be overthrown by the issue of his union with Metis, Zeus swallowed her whole, subsequently producing Athena from his head and preventing the birth of the male heir who would overthrow him.¹²⁸ Taking up this paradigm, Pindar substitutes the figures of *Themis*, Thetis, and her child for Gaia (and Ouranos), Metis, and the anonymous male heir.¹²⁹ The analogy is tidy: both myths contain an oracular figure, a mother whose bed is avoided, and an offspring whose potential for cosmic insurrection is thereby limited or circumvented. The beauty of this schema is that it provides a context into which *Themis* and both her latent oracular connotations and her relationship to the *boulê Dios* are easily introduced: both her traditional role in planning the marriage of Thetis and her new oracular aspect fit comfortably. The Hesiodic succession-pattern supplements Pindar's substitution of personified *Themis* for the traditional contents of the *boulê Dios*, and neatly links her affiliations with order and oracles, respectively.

Even more important than the Hesiodic pattern for explaining the insertion of *Themis* and her prophecy, however, is Pindar's own epinician agenda. For from the perspective that the poet's task is primarily one of praise,¹³⁰ *Themis'* warning, which advises the marriage of Thetis to Peleus as a reward for the latter's piety, mirrors Pindar's own desire to praise

version) the child of Thetis. For all the near-eastern parallels to Hesiod's succession myth noted by West (1966: 18-31), it is notable that there is no parallel for the Metis story.

¹²⁸ So Hesiod reports (*Th.* 886-900): cf. M-W fr. 343.

¹²⁹ Reinhardt (1966a: 29). Following the publication of P.Oxy. 2390 fr. 2 in 1957 (the so-called 'cosmogonic fragment' of Alcman), Detienne & Vernant (1974: 129-66) linked Thetis and Metis and argued that they be considered as doublets: both are sea-goddesses, linked with cosmic origins, metamorphose, and are coveted by Zeus. Such a connection between Thetis and Metis was subsequently exploded by Most (1987), who proved that the Alcman poem was actually a *partheneion* invoking the myth of Peleus' rape of Thetis and that the fragment comprised an allegorical commentary of the poem. Vos (1956: 56) argues that Pindar's *Themis* includes aspects of Metis. I trace a similar link between Metis and Thetis, but derive it wholly from what I argue is Pindar's incorporation of a Hesiodic succession myth.

¹³⁰ My methodology is that of Bundy (1962).

Kleandros via his Aiakid ancestors and Aigina herself. The lynchpin to the comparison becomes Achilles: the product of a disaster averted at the divine level, he becomes the model for Kleandros, whose victory is similarly framed with references to the averted disaster of the Persian war.

The ode begins with the narrator instigating a *κῶμος* for Kleandros (4), which he describes twice in economic language as a payment for the victor's exploits (*λύτρον... καμάτων 2; νίκας ἄποινα 4*). The image of the young man's struggles and reward, however, is almost immediately expanded to a specific martial context—the Persian war—which sets the poet's particular activity of praise within a larger and more general pattern: song, communal celebration, and relief or reward follow closely upon toil and catastrophe averted. As such, despite his own grief (*καίπερ ἀχνύμενος, 6*), the poet inextricably links the motifs of celebration and release from hardship:¹³¹

ἐκ μεγάλων δὲ πενθέων λυθέντες
μήτ' ἐν ὀρφανία πέσωμεν στεφάνων, 6a
μήτε κάδεα θερά-

πευε· παυσάμενοι δ' ἀπράκτων κακῶν
γλυκύ τι δαμωσόμεθα καὶ μετὰ πόνον
ἐπειδὴ τὸν ὑπὲρ κεφαλᾶς
γε † Ταυτάλου λίθον παρά 10
τις ἔτρεψεν ἄμμι θεός.

ἀτόλματον Ἑλλάδι μό-
χθον. ἀλλ' ἐμοὶ δεῖμα μὲν παροιχομένων
καρτερὰν ἔπαυσε μέριμναν· τὸ δὲ πρὸ ποδῶς
ἄρειον αἰεὶ βλέπειν
χρῆμα πάν· δόλιος γὰρ αἰ-
ὼν ἐπ' ἀνδράσι κρέματαί,
ἐλίττων βίου πόρον· (6-15) 15

Because we've been freed from great grief, let us not fall into dereliction of garlands: heed not our grief. And since we have reached the term of unmanageable hardship, let us make public something pleasant even after the

¹³¹ On the basis of Lefkowitz (1991), I speak of the 'poet' or 'Pindar' as opposed to the ode's narrator.

struggle, since some god has averted the stone of Tantalus looming over our heads, an insufferable labor for Hellas. But the passing of the danger has silenced my great dread. It is better to observe always what lies ahead in every matter. For treacherous is the time hanging over mankind, rolling the pathway of life.

Pindar balances a pair of thinly-veiled references to the Persian war with optimism reflecting his current project of praise: two participial phrases taking genitives (*λυθέντες; παναήμενοι*) are balanced by a pair of hortatory subjunctives (*μητ'... πέσωμεν; δαμωόμεθα*). A similar pairing of grief and celebration recurs at the end of the mythic narrative with reference to Achilles, who enjoys song despite his own death.¹³² But closer examination reveals a more complex pattern at work; underlying the account of Achilles' exploits is the prophecy of *Themis* which motivates his parents' marriage, and that prophecy is itself structurally reminiscent of Pindar's juxtaposition of disaster averted and communal celebration. For just as the averted Persian threat frames the ode's project of praise, so too does *Themis'* prophecy seek to avert catastrophe—albeit at the divine level—via an unprecedented reward.¹³³

The parallel is a subtle one. Mirroring the threat that the Persian invasion presented to Greece is the threat that Thetis' child poses for the divine community, and in the face of such catastrophe—whether averted or expected—communal celebration appears to comprise the remedy. Pindar's praise of Kleandros mirrors *Themis'* recommendation of marriage to the mortal Peleus: just as the poet summons a *κῶμος* for the victor with an imperative (*ἰὼν ἀνεγειρέτω*, 3) does *Themis* dispatch notice to Chiron in similar terms (*ἰόντων*, 41), whose divine cave (*ἐς ἄφθιτον ἄντρον*, 41) echoes the splendid porch of Kleandros' father

¹³² τὸν μὲν οὐδὲ θανόντ' αἰοδαὶ ἐπέλιπον (56a). See Greengard (1980: 32-3).

¹³³ "the danger to the gods is parallel to the danger repeated stressed in the opening stanza. Both dangers were averted, by decisive action on the divine plane" (Carey, 1981: 206). The question is no longer one of Pindar's attitude toward the war. See Lefkowitz (1967: 211ff.); cf. (1991: 44-7). Carey (1981: 184) summarizes early discussions well.

Telesarchos (ἀγλαὸν... παρὰ πρόθυρον, 2).¹³⁴ So too do *Themis*' words elsewhere recall the narrator's initial expressions. Where the latter aimed to publicize Kleandros' victory (δαμωσόμεθα, 8) now that the Persian threat has passed (παντάμενοι δ' ἀπράκτων κακῶν, 7), *Themis* looks to the future, aiming to avert the catastrophe (τὰ μέν / παύσατε, 35a-36) with her warning. The public spectacle that will result, however, is of a different sort. For while her recommendation that the gods bestow on Peleus the honor of a divine bride suggests a reward for his remarkable piety (40) akin to the poet's reward for Kleandros' excellence (λύτρον... καμάτων 2; νίκας ἄποινα 4), it is notable that *Themis* frames the marriage more prominently in terms of how it will affect Thetis. Echoing Pindar's hortatory subjunctives (μήτ' πέσωμεν... δαμωσόμεθα, 6-8)—aimed (presumably) at his authorial audience—are a pair of imperatives that *Themis* addresses to the assembled divine audience, and which have Thetis as their subject. Let her look on her son dying in war (υἱὸν εἰσιδέτω θανόντ' ἐν πολέμῳ, 36a) and let her not deliver the wreaths of strife to the gods a second time (μηδὲ... ἐγγυαλιζέτω, 42-3). Thetis' unhappy situation inverts the motifs applied to Kleandros' victory: *Themis*' prophecy seeks to avoid the effect of wreaths of strife (νικέων πέταλα, 42) on the community,¹³⁵ while the poet's praise for Kleandros aims at precisely the opposite. For via the praise of Kleandros, he seeks rather to promote celebration and avoid a dereliction of garlands (μήτ' ἐν ὀρφανία

¹³⁴ Cf. Lefkowitz (1991: 45ff.), who treats the specter of the Persian war as requiring the poet's negotiation with the community for whose celebration he composes: "in *I.* 8 every personal statement, no matter how topical or specific it may seem, has to do with Pindar's willingness to perform his public duties" (1991: 47).

¹³⁵ On πέταλα as meaning 'wreaths' or 'garlands', see B. 5.186. See Carey (1981: ad 43); Farnell (1930-2: ii.381).

πέσωμεν στεφάνων, βα). The parallel takes on a chiasmic structure:¹³⁶ that which the poet fears is precisely that which the divine prophet recommends.

The poet's interweaving of the mythological material (which involves divine figures) with the mortal situation framed both by Kleandros' victory and the recent Persian wars is complicated, largely because both gods and mortals appear somewhat anomalously in the other's respective episodes. So, for example, the poet comments on the one hand that Hellas owes its salvation to the gods (9-11),¹³⁷ and subsequently, that Achilles enjoys the songs not simply of other poets (σοφῶν στόματ', 47-8),¹³⁸ but also—after his death—of the Muses themselves (57-60). Most important for the intermingling of gods and mortals, however, is the fact that the threat posed by Thetis' child is averted only through betrothal to Peleus: the solution to the gods' dilemma is mortal. This is no accident: Peleus is a remarkable figure with remarkable ancestry, as further parallels between the ode's divine and mortal episodes subsequently reveal. For one thing, a pair of siblings motivates both the poet and *Themis*: a quarrel between the Olympian brothers Zeus and Poseidon (ἔρικαν, 27) necessitates *Themis*' warning, while the poet rationalizes his praise of Kleandros by linking their respective Theban and Aiginetan heritage to Thebe and Aigina, two daughters of Asopos who were also coveted

¹³⁶ On the chiasmic structure of the ode, see Greengard (1980: 31-5), though the account is disappointingly unclear at times.

¹³⁷ Critics have been troubled by the passage. So Farnell (1930-2: ii.377): "It is not the most tactful thing, especially for one of a pro-Persian city, to say to Aigina that the victory of Greece was not due to human valour, but to a divine miracle"; cf. Carey (1981: ad 9-10), who cites Thummer in positing that "The role of *τις θεός* is in accordance with the archaic tendency to explain the abnormal in terms of divine intervention, intervention by an unidentified god. This does not exclude human bravery; the two go hand in hand."

¹³⁸ Carey (1981: ad 47f.) notes that the reference is presumably to "anonymous poets contemporaneous with Achilles", and Farnell (1930-2: ii.383) that "they might be prophets", but the reference easily applies to any poetic tradition involving Achilles. Similarly, the reference to Achilles' *νεαράν... ἀρετάν* (47-8) has been subject to much over-interpretation: given that he is traditionally *ᾠκύμορος* (*Il.* 1.417), all of his deeds are technically works of his youth.

by Zeus (16ff.).¹³⁹ But the link goes deeper, as the ode subsequently compares Aigina to Thetis: the narrator tells how the former, by Zeus, bears Aiakos, who is so remarkable that he is said to serve as judge for the immortals (*δαιμόνεσσι δίκας ἐπείραινε*, 23-4). His descendants are similarly remarkable: they are godlike (*ἀντίθροι*, 24), excelling in war (24-25a) but also moderate and prudent at heart (*κώφρονές τ' ἐγένοντο πινυτοί τε θυμόν*, 26). That Peleus, whose piety has already been stressed, is ultimately a descendent of such stock, is therefore unsurprising. *Themis'* prophecy takes up many of these points where Pindar leaves them off: as was noted, a pair of brothers similarly underlies her warning, but even more noteworthy is the way her prediction of the prowess of Thetis' child inverts the poet's discussion of Aiakos' descendants. While she predicts that Thetis' child will also be exceptional, his might is overweening—he will be more powerful than his father and will wield a weapon mightier than either lightning or the trident (34-5). The overtones of cosmic insurrection are undeniable: this child will be neither moderate nor wise, but lordly (*ἄνακτα γόνου*, 33), a sharp inversion of the presentation of Aiakos, who poses no threat to the gods despite his unique authority as a mortal judge of divine affairs. *Themis'* solution, to marry Thetis to Peleus, accordingly aims to temper the child's prophesied prowess via an Aiakid father, linking her warning with the poet's genealogical account; Achilles will be as mighty as Ares (*χείρας Ἄρεί (τ') ἐναλίγκιον*, 37) but any threat to the divine community is nullified by his mortal Aiginetan heritage (55a-6). For as the poet has pointed out, Aiakos does not create disorder amongst the gods but settles it, and his descendants are similarly moderate. Once again, the mingling of divine and mortal appears crucial to the ode's structure: the gods' role in the Persian wars is inverted by the marriage granted to Peleus, and so too does Achilles' ancestor Aiakos fulfill the unexpected

¹³⁹ Farnell (1930-2: ii.378) notes that “the daughters of Asopos are a problem”, while Carey (1981: *ad* 17) cites Thummer in arguing that this is doubtless an invention of Pindar.

role of judging the immortals. *Themis*' role as prophetess similarly takes up and inverts Pindar's juxtaposition of catastrophe and celebration: both make their beginnings with a pair of siblings and trace a genealogy, and both respond to a catastrophe in their respective communities with celebration. For mirroring the poet's praise of Kleandros, the marriage of Peleus and Thetis produces Achilles, who will ultimately enjoy the praise not only of mortal poets (47-8), but of the Muses as well (57-60).¹⁴⁰

All of the ode's disparate elements—human history, warfare, mythological warning, genealogy, praise—are strung together in the poet's praise, *Themis*' prophecy, and wider tradition surrounding Achilles: Kleandros' reward (*λύτρον*, 1) reflects Hellas' freedom (*λυθέντες*, 6), which is itself echoed in the aversion of disaster at the divine level via Peleus' loosening of Thetis' girdle (*λύοι*, 45), which subsequently produces Achilles, whose 'loosening' of Helen (*Ἐλέναν τ' ἐλύατο*, 51) provides the culmination of the sequence.¹⁴¹ For not only does the language of Achilles' 'loosening' Helen recall that of his parents' marriage, but (inasmuch as it describes the end of the Trojan war) also the end of the Persian threat. But in addition, Achilles' remarkable achievements also warrant the praise he ultimately enjoys, which brings the semantic chain full circle, recalling the praise aimed at Kleandros with which

¹⁴⁰ The distance that Pindar keeps from discussing Achilles is noteworthy. For when he describes Zeus and Poseidon's continuing concern for Thetis even after agreeing to her marriage, he grounds the point in a vague "they say" (*φαντί*, 46a). The reason for the poet's distance immediately appears: he elaborates by indicating a wider tradition surrounding the virtue of Achilles (47ff.). Others say that the gods continued to favor Thetis, Pindar asserts, and the proof lies in the virtue of Achilles, which itself has been capably treated by other poets. As Hilary Mackie has argued (2003: 67-71), the kind of distance Pindar keeps from the Achilles-tradition reflects the paradoxical need to present a mythological *comparandum* for Kleandros' achievements without eclipsing those achievements, which would constitute a failure of his commission. Expressions like *φαντί* present the mythic past "as an area concerning which mortals do not by nature have certain knowledge" (2003: 70). Pindar does not himself make assertions concerning Achilles' virtue, but attributes them to a larger tradition which he invokes so as to praise Kleandros all the better.

¹⁴¹ Cf. Greengard (1980: 35) who treats the same motif of loosening, but focuses instead on the "erotic release" in the marriage of Thetis and the liberation of Helen, presumably by comparison with Alcaeus (fr. 42.7-10).

the ode began (λύτρου, 1) and with which the ode as a whole is concerned. The intersection of Pindar's praise and *Themis'* prophecy provide structure to the ode's disparate elements.¹⁴² *Themis'* role in the poem is integral to the interweaving of mythological and historical reflections on which Pindar structures his praise of Kleandros.

As I question a traditional source for the myth of *Isthmian* 8, I acknowledge that I am evoking an old idea that scholars have increasingly rejected since the publication of Laura Slatkin's *The Power of Thetis*.¹⁴³ Slatkin's argument is that Achilles' statement in *Iliad* 1 that Briareos was mightier than his father (1.404¹⁴⁴) alludes to Thetis' own strength to engender a son more powerful than his divine father. But if a reference to Briareos constitutes an allusion to Thetis' "cosmic capacity" (as Slatkin puts it¹⁴⁵) and to her son's foretold power, one has to ask why Homer nowhere else invokes it.¹⁴⁶ The interpretation is extremely subtle; while the threat to Zeus' power—including the role of Briareos—has near-eastern parallels,¹⁴⁷ the same cannot be said concerning the threat Thetis' child poses. And not only is there no indication of a past rivalry between Poseidon and Zeus over Thetis, but the evidence provided by Philodemos reveals the existence of a tradition far different from that posited by Slatkin: Zeus marries her to Peleus in anger, after she rejects his advances as a favor to Hera.¹⁴⁸ This version

¹⁴² Parker's suggestion (2000: 82) that oracles' function was "to prescribe a 'release from evils' (λύσις κακῶν)" is apt in light of the link between *Themis* and the poet's narratives.

¹⁴³ Prior to Slatkin, Farnell (1930-2: ii.379) argued that the myth concerning Thetis' child was a Pindaric creation. See p. 124, n. 124 (*supra*).

¹⁴⁴ ὁ γὰρ αὐτε βίην οὐ πατρὸς ἀμείνω. See Slatkin (1991: 69ff.) There are vast problems with this phrase, which appears to be presented as an etymology for his mortal name Aigaiōn: see Hooker (1980); Kirk (1985: ad 1.403-4).

¹⁴⁵ Slatkin (1991: 77).

¹⁴⁶ Muellner remarks that the myth is well-known but that Homer "never explicitly acknowledges" it (1996: 95). It is unclear whether he is suggesting that the myth was well-known to Homer, Pindar, their respective audiences, or to the contemporary scholarly world.

¹⁴⁷ West (1997: 352). Cf. Willcock (1964: 143-4; 1977: 44), who argues that the reference to Briareos' strength is an innovation.

¹⁴⁸ Slatkin (1991: 76, n.25) does not consider the impact of Philodemos' testimony, choosing to cite him only selectively: "According to Philodemos... Aeschylus made the revelation of Thetis's secret by

is consistent with the *Iliad* and parallel texts; there is also no mention of a child threatening the divine order. There is only Achilles, who (despite causing tension amongst the gods) is never figured as a threat to Zeus' regime.¹⁴⁹ Homer has no need to allude to the averted cosmological threat:¹⁵⁰ for his narrative's purposes, Achilles is thoroughly mortal, and the central question concerning his fate is whether he will remain at Troy and die young, or return to Phthia and enjoy a long but unremarkable life.

Although I remain skeptical about basing an argument in large part on Homer's silence concerning the prophecy articulated in *Isthmian* 8, I nonetheless maintain that Pindar's treatment of the episode is crafted for the particular purposes of his epinician project, and likely reflects innovation on epic motifs. First and foremost, the *Themis* we encounter in the ode, whose prophetic power is unprecedented, takes on a role of authority amongst the gods that both relegates Zeus and replaces the traditional contents of the *boulê Dios*. Pindar's Thetis, moreover, is a far cry from the traditions surrounding Thetis, and as is the case for *Themis*, a traditional closeness to Zeus is replaced by distance. Hesiod provides an important model; the cosmic threat posed by Thetis' child recalls the prophecy concerning Metis in the *Theogony*, and more importantly, *Themis* cuts the ideal figure to play the role of the prophetic advisor. For not only does the Hesiodic pattern admit her traditional role as the advisor of

Prometheus responsible for the latter's liberation (and for Thetis's marriage to a mortal)". While it is true that Philodemos asserts as much (*On Piety* B 5860-71 [Obbink]), his focus there lies only on *Prometheus Bound*. Slatkin fails to discuss the more important passage, in which the more ancient tradition in the *Cypria* and Hesiod is discussed: *On Piety* B 7241-50 (Obbink).

¹⁴⁹ So even for Nagy (1979: 69ff.), for example, it is "intrinsic to the function of Achilles in myth and epic" that his name means he 'whose *lâós* has *âkhos*.' Cf. his subsequent comments (346-8).

¹⁵⁰ Homer's silence on the topic requires some methodological caution, and it should be pointed out that the argument from silence cuts both ways. After all, one cannot argue that Homer is aware of (but fails to acknowledge) the myth concerning the fate of Thetis' child any less than one can argue that his silence indicates that the myth was unknown to the poet. For the purposes of the *Iliad*, which concerns mythological events subsequent to the marriage of Thetis, there is no need to look back at an earlier threat to Zeus' rule that has since been averted. But if Homer's silence produces no foundation for argument, Pindar's testimony is all the more notable for deserving further attention.

Zeus, but presents an opportunity for *themis*' budding semantic relationship with oracular utterance to be realized. Such adjustments, moreover, are fully in tune with Pindar's literary agenda of juxtaposing scenes of catastrophe averted in both mortal and immortal communities: just as the praise of Kleandros is framed as a reward and likened to relief from the Persian war, so too does *Themis*' prophecy involve a reward for a remarkable mortal, the averting of a catastrophe amongst the gods, and point forward to the praise of a remarkable human being.

d. Conclusion

From the Homeric *Hymn to Apollo* we see the first indications of an expansion of *themis*' semantic range; fossilized in the hymn's two disparate elements are strikingly different aspects of the term—its epic affiliation with Zeus and the stability of his regime on the one hand, and the novel connection to oracular utterance on the other. Bound up with the expansion of *themis*-terminology's semantics is the twofold affiliation with the *boulê Dios* in both cult and myth; while oracles imply *themis* in their revelation of the *boulê Dios*, personified *Themis* is only the companion of Zeus' will. In both Alcaeus' hymn and the Homeric *Hymn to Apollo*, *themis* becomes explicitly identified with oracular activity, and as *themis* becomes the content of oracular utterance, the verb *themisteuein* comes to mean 'deliver oracles' and *themistes* 'oracles.' In a chain of succession one term leads to another: to be an oracle is to prophesy the will of Zeus, and both the oracular activity and his will itself fall within the semantic range of *themis* and its related terms.

After *themis* became firmly linked with oracular utterance and identified with the *boulê Dios*, it is only a matter of time before the personified deity takes on an oracular function. Evidence for this role appears already in the so-called 'previous owners' myth at Delphi, which took up motifs from Hesiod and the Homeric *Hymn to Apollo*, but in Pindar's

eighth *Isthmian* ode, one finds prophetic *Themis* linked to a context in which one expects her to appear, but whose role is nonetheless novel and surprising. For while *Themis*' appearance in the context of the marriage of Peleus and Thetis accords well with traditional myth, by deciding to portray the divinity as a prophetess, Pindar introduces numerous modifications to the traditional version of the episode. Zeus fades into the background, and the stability of his regime falls instead to *Themis*, who serves as a substitute for the *boulê Dios*. *Themis* becomes a voice of inscrutable authority advising not simply Zeus but the divine community as a whole, and Zeus is powerless to alter their refusal to permit union with Thetis. But Thetis too is far from her traditional role; she is simply the object of the gods' affections and is defined wholly by her offspring—whether the catastrophic divine child or the Aiakid Achilles. The alterations are appropriate to Pindar's commission of praise: via comparison with the Persian wars, *Themis*' prophecy, and the exploits of Achilles, he fashions parallel episodes involving gods and mortals' involvement in one another's affairs. Catastrophe in both communities is averted by means of assistance from the other, and his praise for Kleandros becomes structurally and thematically concordant with *Themis*' prophecy.

The eighth *Isthmian* reveals well the difficulty in tracing the evolution of *themis*-terminology's oracular semantics. For because *Themis* appears in the mythological tradition surrounding Thetis' marriage and because oracular divination comes to imply *themis* in its prescriptions, when Pindar presents an oracular *Themis* urging this particular marriage, it is easy to posit that the myth is traditional, despite the many signs of innovation, not the least of which is the novelty of an oracular *Themis*. But for Pindar's poetic purposes the innovations make perfect sense: personified *Themis*' relationship to the marriage is integral to the structure of his own praise, and his new oracular *Themis*, who prophesies to a divine democracy, reflects his own public and performative activity. The poet takes up traditional mythological elements

and modifies them for his own purposes, and the result is a portrayal of *Themis* that innovates from within a traditional framework.

Chapter 5

Aeschylean Tragedy and a Crisis of *themis*

a. Introduction

Implicit in Pindar's eighth *Isthmian* ode is the novel idea that the relationship between *themis* and Zeus is far from straightforward, and while Pindar does not dwell on the implications of this idea, his contemporary Aeschylus is very much concerned with issues of this sort. The tragic dilemmas of Aeschylus dramatize the confrontation between human actions and a larger, divine order, and his dramatic technique involves posing impossible choices for his characters—between what they should and what they must do. Although it has garnered very little scholarly attention, in its few Aeschylean appearances *themis* is very much implicated in these tragic dilemmas. For despite the facts that the term's traditional connotations ordinarily describe the orderly operation of some aspect of the universe—whether nature, fate, ritual, or the workings of divine or human societies—it regularly happens in Aeschylean tragedy that when characters speak of *themis* or when personified *Themis* appears on the scene, what exactly *themis* denotes or demands is suppressed, occasionally with the consequence that the term describes actions which under no circumstances could ordinarily be termed *themis*.

In the following chapter I treat the problems surrounding *themis* as productive of a crisis. In *Suppliants*, the chorus of Danaids invoke many general ideas—*hybris*, *dikê*, and *themis*—as they describe their aversion to marriage and quest for asylum in Argos. But the rhetorical impact of the chorus' claims belies the lack of precision in these terms: the meaning of *themis* varies and shifts over the course of the play. The uncertainty surrounding the

implications of *themis* carries over into other Aeschylean tragedies, and in turning to *Seven Against Thebes* and the *Oresteia*, a gap emerges in the term's traditional semantic field. For these plays share a tendency to invoke *themis* in the context of problematic family relations, particularly at moments when kin-killing (the tragic *pathos par excellence*) rears its head. Agamemnon's deliberation over the sacrifice of Iphigeneia and Clytemnestra's explanation for the retribution she wreaks on him (not to mention the matricide and trial of Orestes), and Eteokles' determination to face his brother—in all of these situations the idea of *themis* is invoked. Yet its implications vary: in *Seven Against Thebes*, Eteokles' decision to face his brother violates *themis* in shedding kindred blood even though it accords with divine necessity, while in the *Oresteia*, *themis* is paradoxically aligned with the motives that urge kin-killing. The dramas reveal a gap in the traditional force of *themis*: on the one side stands the kind of *themis* that determines what is appropriate from a human perspective, and on the other stands the kind of *themis* that reflects a more universal order. The resulting paradox is the stuff of Aeschylean tragedy: there is a difference between what should and what must happen, and in Aeschylus, *themis* marks this gap and the crisis it produces.

In the second part of the chapter, I turn to *Prometheus Bound*, where the crisis of *themis* recurs, albeit of a markedly different sort than in the rest of the Aeschylean corpus (as perhaps befits a play whose authorship is doubtful). For in *Prometheus Bound*, the crisis appears solely at the divine level, and the problem has nothing to do with *themis*' relation to particular human actions. In the play, the personified goddess is rather closely allied with her son Prometheus, and the crisis hinges on her and her son's vexed relationship to the divine tyrant. The tragedy is bookended by problems of *themis*: on the one hand, there appears the prophetess first glimpsed in the eighth *Isthmian*, who looks beyond the drama in predicting Zeus' eventual fall from power. At the same time, however, the drama also evokes the

mythological past, and particularly the Hesiodic succession myth and Titanomachy, in which Zeus and *Themis* were allied in ordering the cosmos. In other words, the traditional semantics of *themis* are also in play. The juxtaposition of her oracular and traditional aspects produces problems: *themis* ought to describe the orderly operation of the universe, but the divine regime of the dramatic present, which relied on *themis* in coming to power, nevertheless lacks it. Moreover, that regime is actually threatened by a prophecy whose source is also *Themis*. The two perspectives on the regime of Zeus combine to portray it as crisis-ridden: because of his distance from *Themis*, they combine to imply, Zeus' regime is not long to survive.

b. The Danaids' Ambivalence

i. Introduction

A study of the problems surrounding *themis* in Aeschylus begins most easily with an examination of *Suppliants*, where, for all its rhetorical impact, the particular implications of the term shift and are difficult to pin down. For amongst the variety of reasons by means of which the chorus of Danaids justifies its flight to Argos and refusal of marriage to its Aegyptiad cousins, *themis* is, from the start of the play, one of the most prominent:¹ its opening anapaests conclude with the wish that its Aegyptiad cousins die before they “mount the unwilling beds that *themis* forbids” (λέκτρων ὧν θέμις εἴργει... ἀεκόντων ἐπιβῆναι, 37-9), and subsequent assertions independently reinforce the point. The general thrust of the chorus' appeals is clear, but, more so than the repeated references to *hybris* and *dikê*,² what its invocations of *themis* actually denote is quite unclear.³ *Themis* is somehow bound up with the

¹ See Friis Johansen (1980: vol. 1 29-32); for a list of other issues bound up with their flight.

² On *hybris*, see also 30, 81, 104, 487, 528, 817, 845; on *dikê*, see 78-9, 343, 384, 395, 406, 430, 437, 703, 709.

³ Cf. Zeitlin (1992: 204): “the act of supplication is itself a staging ground for opposing claims between different practical and moral imperatives... Any supplication in the theater entails a conflict between the demands of religion and those of politics.” Dunn (1996: 154) is even more specific: “When a play

chorus' rejection of marriage, but there is no consensus or consistency, and as a result, scholarship on this difficult play disagrees on the motivations and nature of that rejection.⁴

Before addressing the individual invocations and their various implications, I should make a more general point about the interpretation of this play. In essence it is a simple one: instead of seeking a single, definitive explanation for the chorus' rejection of marriage, one should rather expect some inconsistency, since the Danaids are themselves thoroughly enigmatic. They are foreign yet Argive, peaceful suppliants who are nonetheless capable of making powerful threats, fleeing from kin to the protection of further kin, and (most problematically) despite their resistance to marriage, myth stipulates that they ultimately yield and become brides.⁵ Yet even their eventual role as wives is problematic, for despite the fact that the rest of the trilogy is fragmentary, it seems likely that it adhered to the myth and that all but Hypermestra murdered their grooms on their wedding night. But while scholars agree that marriage and the motivations for the chorus' rejection of marriage are crucial both to the play, and, most likely, to the trilogy as a whole,⁶ these two problems—the ambivalence of the chorus, and its reasons for rejecting marriage—produce a paradox: for as soon as scholars attempt to find a single, definitive answer for the latter problem, they lose sight of the former. One cannot simultaneously point out the chorus' enigmatic and ambivalent character and yet

begins with a suppliant scene, it usually does so in order to present a moral or political crisis in clear, unambiguous terms." My point is that the Danaids' claims about *themis* are not particularly clear.

⁴ As Winnington-Ingram (1961: 150); Garvie (1969: 205); MacKinnon (1978: 74); Griffith (1986: 325); Conacher (1996: 79); and Mitchell (2006: 209) note, the main problem boils down to whether their refusal involves marriage in general or to their cousins in particular. Turner (2001: 28, nn. 5-8) neatly summarizes the various interpretations.

⁵ On their ambivalence, see Friis Johansen and Whittle (1980: vol. 1 37-40); their inversion of supplication, Turner (2001); and on the specific matter of cultural or civic identity, see (for example) Zeitlin (1992: 205); Mitchell (2006: 210-8).

⁶ See Friis Johansen and Whittle on a particular aversion to the cousins (1980: vol. 1 30-7); Winnington-Ingram (1961: 143-4) and Garvie (1969: 215-25) for a general aversion to marriage.

seek a single, consistent explanation for its rejection of marriage.⁷ It is this insight that informs my analysis of *themis* in the play: the Danaids employ a variety of arguments and tactics in order to gain sanctuary in Argos, and that they describe their plight in a variety of forms both reflects their attempt to achieve their goal and is also symptomatic of their ambivalence.⁸ The chorus of *Suppliants* is well attuned to its surroundings and is capable of manipulating its interlocutors.

ii. *Suppliants and themis*

As it makes its entrance at the start of the tragedy, the chorus outlines the necessary background to its appearance and the drama as a whole. It prays to Zeus for protection (1-2), and explains that it has fled Egypt of its own will (*αὐτογενῆ φυξανορίαν*, 8)⁹ in order to avoid its Aegyptiad cousins' desire for an impious marriage (*γάμον... ἀσεβῆ τ'... <διάνοιαν>*, 9-10).¹⁰ It hopes that its Argive heritage will be cause for reception (15-9), and concludes with a twofold wish—that Zeus may receive them as suppliants (20-9) and also destroy their cousins (30-9). The last wish is particularly important, for within it the chorus describes, in loaded language, the situation it seeks to avoid:

*ἔνθα δὲ λαίλαπι χειμωνοτύπῳ,
βροντῇ στεροπῇ τ' ὀμβροφόροισιν τ' ἀνέμοις ἀγρίας
ἄλῶς ἀντήσαντες ὄλουντο,*

⁷ In this vein, so Griffith (1986: 325) objects to the arguments of Friis Johansen and Whittle, who seek a consistency of attitude and expression even as they pointing out the ambivalence and ironies of their words (1986: vol. 2 325).

⁸ We are perhaps asking too much of Aeschylus—a poet whose technique regularly plays on the signifying power of language—in seeking a consistent response: as Simon Goldhill (1984), in particular, has shown, the power of Aeschylean language is vast.

⁹ Friis Johansen (1980: vol. 2 *ad* 8) favor this interpretation, but allow that a “modified version of this, ‘of kindred race’, is conceivable, for *αὐτο-* can signify ‘(people) belonging to oneself’, ‘kin’.” So also MacKinnon (1978: 76), Conacher (1996: 81). Griffith (1986: 330) is more forceful in positing other possible meanings, including “natural shunning of males.” I favor ‘self-willed’ given the contrast with exile by public decree (6-7) on which the phrase turns.

¹⁰ See Friis Johansen and Whittle (1980: vol. 2 *ad* 9-10) for the supplement and the resulting hendiadys ‘impious purpose to marry’.

πρίν ποτε λέκτρων ὦν θέμις εἶργει,
 σφετεριζάμενοι πατραδελφείαν
 τήνδ' ἀεκόντων ἐπιβήναι (35-9)

May [the Aegyptiads] perish there, meeting with a hurricane that pummels them with its storm—thunder, lightning, and the rain-driving winds of the rough sea—before they ever seize their uncle's rights unlawfully and mount the unwilling beds that *themis* inhibits.

The chorus' desire for its cousins' destruction is fundamental to the drama, and it is important to keep this antagonism in mind as one turns to the complex language describing the marriage. For at first glance, that the beds are unwilling (*ἀεκόντων*) appears to be a reference to the Danaids' own attitude. Yet the *hapax πατραδελφείαν*, in combination with the legalizing *σφετεριζάμενοι* ('appropriate unlawfully'), likely denotes the legal rights of Danaos over his daughters—namely, that his approval is required for their marriage.¹¹ In this legalizing reading, the beds' unwillingness reflects Danaos' perspective as much his daughters'.¹²

The multiple implications of *ἀεκόντων* are important, especially as we turn to the phrase ὦν θέμις εἶργει. As with *ἀεκόντων*, a multivalent meaning incorporating (amongst other things) the chorus' standpoint seems likely. For from the chorus' perspective, the point is simple and need not have any legal significance: the marriage is to be avoided. But by invoking *themis* to make its point, the chorus makes a rhetorically powerful assertion; it comes at the end of the introductory anapaests, and there is no one present to object to it.¹³ For an audience observing the entrance, therefore, this final word likely carried programmatic force,

¹¹ On the *hapax* and *σφετεριζάμενοι*, see Friis Johansen and Whittle (1980: vol. 2 *ad* 38).

¹² So too at 227-8 Danaos links the two: πῶς δ' ἂν γαμῶν ἄκουσαν ἄκοντος πάρα / ἄγνός γένοιτ' ἄν; ('how could he be holy, who marries an unwilling bride from one unwilling?').

¹³ As is the case in Homer, assertions about what is or is not *themis* are never countered (see pp. 27-9, [*supra*]), although here it is a matter of poetic convenience: there is no one onstage who might object. One must acknowledge that, as a result, the reference to *themis* is significant for the audience, who might also assume that the claim to *themis* is directed at Zeus, the god to whom the chorus prays.

influencing its reading of the dispute over marriage which dominates the dramatic action which follows.¹⁴

Despite the general force of the chorus' assertion, however, it remains unclear whether it has a specific objection to the marriage. To use the legal example, on the assumption that *ὦν θέμις εἶργει* is, like *λέκτρων... ἀεκόντων*, an expansion of the legalizing *σφετεριζόμενοι πατραδελφείαν*, Friis Johansen and Whittle largely ignore it—it is not *themis* (one is left to assume) to undermine a *kurios*' authority.¹⁵ But elsewhere these editors admit that the phrase is “not itself legal language.”¹⁶ Other objections to particular meanings pop up, as well: the chorus also describes marriage as a kind of servitude¹⁷—though *themis* would be somewhat anomalous in an objection of that kind—and it is also possible that the objection is to the incestuous nature of the cousins' intended relationship, as the expression *γάμον... ἀσεβῆ* (9) would suggest.¹⁸ Exactly what (if anything) *themis* refers to is unclear: sex, after all, is *themis* as

¹⁴ It is worth noting the arguments of Sicherl (1986) and Rösler (1993)—approved by Sommerstein (1996) and Turner (2001: 28 n. 9)—which posit that the chorus' aversion results from an oracle that warned Danaos that he would be killed by a son-in-law or by a son of Aegyptos (see Friis Johansen and Whittle [1980: vol. 1 47] for the threads of this tradition). The obvious objection to this argument is that there is no mention of an oracle in *Suppliants*, but this fact is not fatal: one can posit that the vagueness with which the chorus describes its aversion to marriage results from blind obedience to Danaos, who may have urged them to reject marriage on the basis of the oracle, but without providing his daughters any specific reason. In other words, the Danaids may not have prior knowledge of the oracle (so Turner [2001: 28 n. 9]). Conacher (1996: 109-11) neatly sums up the objections, leading me to be skeptical about the oracle. Nevertheless, for my purposes it does not matter much, as the sole consequence of this theory is that the chorus' initial reference to *themis* forbidding the marriage (34-9) may then have oracular overtones—a further possible implication in a vague usage of the word.

¹⁵ Strangely, Friis Johansen and Whittle (1980: vol. 1 35) elsewhere argue that Danaos “is not conceded a legal authority over them in opposition to that of the Aegyptiads.” But they rely too heavily on Pelagos' reference to Egyptian law (387-91), and their assumption that the Danaids' failure to address the matter of Egyptian law concedes the point that the Aegyptiads have legal authority over them.

¹⁶ Friis Johansen and Whittle (1980: vol. 2 *ad* 38, p. 36).

¹⁷ Griffith (1986: 325) looks to the language of *κράτος* (in particular) at 387, 951, 1068-9, the frequency of *ῥυσι-* terminology (150, 315, 412, 424, 610, 728), and the chorus' reference to *δμωίς* (335) as raising problematic issue of power—and female power—in a male dominated world.

¹⁸ See Zeitlin (1992: 207-10); Thomson (1967: 289-93; 1971). Cf. Winnington-Ingram (1961: 143): “There is nothing in the *Supplikes* which suggests that they (unlike the Athenians) regarded a marriage with cousins as incestuous.” See also Friis Johansen and Whittle (1980: vol. 1 33-5).

early as Homer,¹⁹ so while the Danaids' general disapproval is undeniable, the specific basis for their attitude is shadowy.

But pinning the phrase down is somewhat unnecessary once one acknowledges the possibility that the Danaids' general objection takes a number of particular forms, depending on circumstance and context. So, it is perfectly appropriate that they object, in general terms, by invoking *themis*, and that other reasons which may or may not be classified as concerns about *themis* also appear. For as we turn to the next invocation of the term, we will see how pliable the situation is as they attempt to negotiate their reception in Argos.

After Pelasgos enters, the chorus begins to explain itself and its desire for asylum, basing its claim to sanctuary on its Argive heritage and outlining the background to its flight (274-327). But the subsequent dialogue reflects confusion, as both Pelasgos and the chorus make assertions and inferences that do not always make sense relative to what comes before. For example, in response to Pelasgos' inquiry into the reasons for their arrival in Argos (325-7), the Danaids invoke the variability of human misfortunes (*αἰὸλ' ἀνθρώπων κακά*, 328) before explaining, via a rhetorical question, that they have fled to Argos to avoid marriage (330-2).²⁰ But the two assertions clash: while the chorus picks up Pelasgos' reference to *τύχη* (327) by invoking human misfortunes, the specific issues in its response, namely, the general variability of misfortunes and its own aversion to marriage, don't exactly line up. Far from being variable, the misfortune pursuing them is fixed: the Aegyptiads seek marriage, and the chorus is unwilling. The only 'change' in question—the chorus' flight to Argos from Egypt—is actually

¹⁹ *Il.* 9.134=9.297.

²⁰ The text at 332 is insecure, but the emendation of *ἔχει* to *ἔχ(θ)ει* produces good sense: ("who imagined that kin—once native—would reach Argos in this unexpected flight, having been scared into changing place by hatred of marriage?") See Friis Johansen and Whittle (1980: vol. 2 *ad* 330-2).

of its own choosing,²¹ and is not, strictly speaking, a misfortune. For arriving in Argos ought not to be a *κακόν*, but rather, the means to its salvation. Despite its general desire to be received, the chorus' logic is somewhat difficult to follow.

As the dialogue continues, the two interlocutors continue to talk past one another. In doing so, however, they nonetheless bring to the fore a gamut of issues pertaining to the Danaids' flight and reception at Argos. Pelasgos' response, for one thing, reveals that he has not fully grasped the chorus' words. For even though he acknowledges the chorus' ritual behavior, when he asks about its suppliant posture, it seems that he has not understood the significance or urgency of its flight to Argos (333-4). From here, the exchange gets stranger and stranger, as a number of issues appear in compressed succession. In response to his inquiry about its suppliant posture the chorus responds:

(ΧΟ.) ὡς μὴ γένωμαι δμῶϊς Αἰγύπτου γένει.
 ΠΕ. πότερα κατ' ἔχθραν, ἢ τὸ μὴ θέμις λέγεις;
 (ΧΟ.) τίς δ' ἂν φιλοῦς ὄνοιτο τοὺς κεκτημένους;
 (ΠΕ.) θένος μὲν οὕτω μείζον αὔξεται βροτοῖς.
 (ΧΟ.) καὶ δυστυχο(ύ)ντων γ' εὐμαρῆς ἀπαλλαγὴ.
 ΠΕ. πῶς οὔν πρὸς ὑμᾶς εὐσεβῆς ἐγὼ πέλω;
 ΧΟ. αἰτοῦσι μὴ' κδοὺς παισὶν Αἰγύπτου πάλιν (335-41).

CH. So that I not be household slave to the family of Aegyptos.
 PE. Do you mean because of some **enmity**, or some **violation of *themis***?
 CH. What woman could hate her **master** were she in love?
 PE. Thus the **strength of mortals** grows greater at all events...
 CH. and the **separation** is easy—for the **unfortunate** at least.
 PE. How then may I be **virtuous in your regard**?
 CH. By not **delivering** us back to the sons of Aegyptos who **demand us**.

Like most difficult passages, this exchange is scarred by critical attempts to obviate the problems by emending or positing lacunae, particularly following the difficult line 337.²² I am

²¹ Recall the chorus' opening anapaests, where it speaks of *αὐτογενῆ φυξανορίαν* ("self-willed flight from men," 8).

less concerned with the relative merits of these suggestions than with how the exchange constitutes a response to Pelasgos' question concerning the Danaids' suppliant position. In this respect, it is the sheer number of issues raised that is most striking. For if one scans the boldfaced elements in the discussion, a variety of issues related to the tragic dilemma appear: slavery, hatred, *themis*, acquisition/power, propagation, economics/the dowry, separation/divorce, misfortune, virtue, and the demands of the Aegyptiads. None of these issues receives sustained discussion or explanation—and the sequence of ideas in stichomythic form produces some cognitive overload—but in consort they present a pastiche of negative ideas about the marriage. The Danaids consider the marriage a kind of enforced slavery (335, 337) in which they have no security or power,²³ and so beg Pelasgos not to hand them over, while on Pelasgos' side, these reasons seem to make little sense: he posits hatred, a violation of *themis* (336), and makes an inscrutable reference to strength (*σθένος*, 338),²⁴ before asking in bewilderment how he might be dutiful toward them (340). He does not seem to grasp the chorus' meaning.

Only after the chorus requests asylum outright does Pelasgos understand the gravity of the situation; he immediately recognizes the grievous prospect of war (342) and bristles as he recognizes as well the potential wrath of Zeus Hikesios (346-7). The following lyric exchange comprises the chorus' case for asylum, but is most important for its manipulation of the

²² The phrase *φιλοῦς ὄνοιτο* (337) has proved difficult, and the authority of no less a figure than Wilamowitz supports positing a lacuna after 337, since *οὔτω* “in 338 has no possible referent in the transmitted text” (Friis Johansen and Whittle ([1980: vol. 2 *ad* 337])).

²³ The meaning of 339 is loaded: because *ἀπαλλαγῆ* can refer to divorce, it is unclear who the unfortunate (*δυστυχό(ύ)ντων*) are—the husbands, or the wives. The former makes sense in light of husbands' authority to dissolve a union, and the latter in light of the possibility of a fruitless union. But further undertones are present: in light of the Danaids' eventual murder of their husbands, the idea that divorce is easy is ominous. So too can the words have Pelasgos as their rhetorical object: given the Danaids' position of weakness, they acknowledge that it is easy for him to abandon them.

²⁴ Strength might indicate either the economic security afforded by endogamy and keeping the dowry within the family, or (if the line is a direct response to 337) procreation. Given the subsequent line's seeming reference to divorce, the economic interpretation seems better, but I am uneasy.

language and issues at stake. Initially, the chorus stresses its vulnerability and suppliant posture (348-53), to which Pelasgos invokes the potential danger to the *polis* involved in receiving them (354-8).²⁵ From here, the chorus becomes slightly more aggressive, calling on *Themis* Hikesia, and instructing the elderly king both to learn from them and respect their position (359-64). The passage is corrupt, but the implications of *themis* are clear, and, moreover, reveal an *ad hoc* amalgam of ideas. For the term recalls both Pelasgos' prior anxiety that the chorus' aversion to marriage involved some concern for *themis* (336),²⁶ and, similarly, his previous fear at the wrath (*κότος*, 347) of Zeus Hikesios. By turning to *Themis* in prayer, the chorus deftly redefines the term's relationship to the situation and preys on Pelasgos' reticence: it now underlies not simply the chorus' aversion to marriage, but, more importantly, also their claim to asylum in Argos.²⁷

From here the chorus' rhetoric grows increasingly forceful, and many of the chorus' ideas about marriage that were outlined above continue to recur. As Pelasgos laments his intensifying *aporia* (376-80) in response to the chorus' warning of pollution (*ἄγος*, 375), the chorus advises him to turn to Zeus (381-6). But like the reference to *Themis* Hikesia, the chorus' advice is loaded and once again masks a further threat: the Zeus it suggests he approach is the one who protects those who are denied help by their neighbors. This denial, it notes, draws the wrath (*κότος*, 385) of Zeus, and so the advice which appeared friendly initially actually conceals a further warning to Pelasgos about the consequences of rejection.

²⁵ The idea that receiving the Danaids might bring strife from unexpected sources (*ἀέλλπτων κάπρομηθήτων*, 357) recalls the chorus' reference to their unexpected (*ἀνέλπιστον*, 330) arrival in Argos.

²⁶ The Danaids' invocation of *Themis* also differs from the vague description in their opening anapaests, where *themis* forbade marriage to the Aegyptiads.

²⁷ That we do not elsewhere hear of *Themis* Hikesia is perfectly consistent with the chorus' manipulation of the term and with the rhetorical force of invoking *themis*: because no one would posit that rejecting suppliants is *themis*, the assertion is uncontested.

This is not the last threat the chorus involving Zeus or the chorus' network of ideas surrounding marriage. They subsequently urge reflection and duty (*εὐσεβής*, 418; cf. 340), and plea that they not be betrayed (*μὴ προδώς*, 420; cf. 341) given their position as exiles.²⁸ They appeal to Pelasgos' power (*κράτος*, 425; cf. 372)²⁹ and warn of *hybris* and wrath (*κότος*, 427; cf. 347, 385); they conjure the image of their being dragged away by force (429-33); and they conclude with a threat whose force extends beyond Pelasgos himself:

*παισὶ τάδε καὶ δόμοις,
 ὀπότερ' ἂν κτίσης, μένει †δρεια†τίνειν
 ὁμοίαν θέμιν.
 τάδε φράσαι. δίκαια Διόθεν κράτη (434-7).*

Whatever things you make so remain for your children and home—to pay *themis* of a similar kind. Consider these things: powers deriving from Zeus are just.

This is not the final (or the most dire) threat that the chorus will utter,³⁰ but once again, the implications of *themis* have shifted. The chorus previously offered *themis* as a general explanation for its aversion to the marriage (34-9)—something Pelasgos posited as well (336)—and it also invoked *Themis* as both the protector of suppliants (359-60) and an ally of Zeus, whose wrath (*κότος*, 385) any violation of their ritual posture would provoke (381-6). At the end of the lyrics, however, *themis* has taken on yet a further meaning and now describes the reprisal for Pelasgos' actions—whether he acts justly in granting asylum, or unjustly in casting them out. I know of no parallel for this latter meaning,³¹ and hold that it reflects a

²⁸ The chorus' treatment of its exile is a bit confused: while previously it was the Danaids' choice to leave Egypt (e.g. 8), they now reframe their 'unexpected' (*ἀνέλπιστον*, 330) arrival in Argos as being driven by godless impetus (*ἐκβολαῖς / δυσθέοις*, 421-2). The attempt at rhetorical manipulation is clear.

²⁹ It is no doubt ironic that they seek the protection of Pelasgos' *kratos* while fearing that of their husbands-to-be (392-3).

³⁰ At 455-67 they threaten to hang themselves and pollute the vicinity.

³¹ Friis Johansen and Whittle (1980: vol. 1 *ad* 435-6) largely ignore the meaning of *themis*, citing "a neutral sense, 'due', 'just measure' akin to that attested for the plur. in *Il.* 9.156 *λιπαρὰς τελέουσι θέμιστας*." The *Iliad* citation is of negligible relevance, and while *themis* can abstractly denote what is

further rhetorical flourish on the Danaids' part: *themis* has denoted the basis for their aversion, the patron of their supplication, and now also invokes both their treatment at Pelasgos' hands and the reward or punishment that reflects it—the retribution is 'of a similar kind' (*ὁμοίαν*, 436).

Underlying these references is *themis*' traditional affiliation with order, but I hope that it has become clear that the term's various implications do not entirely line up. The chorus' rhetorical purposes underlie the term's variability: it is seeking not only to justify its aversion to marriage, but also to buttress its claim to sanctuary in Argos. For the former purpose it throws around a variety of terms in addition to *themis*—e.g. *hybris*, *dikê*—which are unmarked and lack any detailed elaboration. Indeed, the chorus is not above making threats—veiled or explicit—on Pelasgos and Argos in order to coerce a favorable result. The chorus is an ambivalent body, both Greek and Egyptian, peaceful and violent, weak and powerful, and it manipulates terms such as *themis* not simply to elicit sympathy for its plight, but also to exert rhetorical pressure on those who might help it achieve its goals. The invocation of *Themis* Hikesia is a case in point, comprising an amalgam of Pelasgos' sensitivity to *themis* and his fear of Zeus Hikesios' *kotos*. As it is in epic, *themis* in *Suppliants* functions like a rhetorical trump card: claims about *themis* cannot be countered, and its force need not have a single, specific basis. Ultimately, the chorus' appeals are successful, but the shifting significance of the term invites speculation: one can only wonder whether claims about *themis* similarly appeared in the context of the murders it subsequently commits on its cousin-husbands. For kin-killing and *themis*, as we will shortly see, go hand-in-hand in Aeschylus.

'due' or 'appropriate', it does not do so in concrete form. The closest one gets to this meaning is Clytemnestra's claim in *Agamemnon* about achieving the *themis* of her oaths (*ὀρκίων ἐμῶν θέμις*, 1431) by killing Agamemnon in retribution for Iphigeneia. I will discuss this passage further in the next section.

c. Between What Should and What Must Be

i. *Introduction*

While the chorus in *Suppliants* manipulates *themis* for the purposes of its particular rhetorical needs, a corollary of the term's flexibility is that determining what it denotes—if anything—is fairly difficult. This problem is not confined to *Suppliants*, but the case of this particular play is somewhat unique, since the clarity of the chorus' larger purpose renders the uncertainty surrounding *themis*' specific implications of negligible significance. In other Aeschylean tragedies, by contrast, the audience is afforded no such luxury: the meaning of *themis* is similarly problematic, but instead of privileging a particular perspective so as to pilot the audience's evaluation, dramas such as *Seven Against Thebes* and the *Oresteia* trilogy instead point to (and even thematize) how problematic *themis* can be.

Themis in these other Aeschylean tragedies draws attention to the horrible deeds of which human characters are capable; it appears repeatedly in the context of kin-killing, that most tragic of actions, and draws attention to a paradox that is characteristic of Aeschylean drama. For while Aeschylean characters do what they must, their actions are often in conflict with what they should do.³² Because *themis* can describe both aspects of the conflict, the term's significance approaches paradox. Agamemnon yields to the argument that it is *themis* to sacrifice Iphigeneia, a deed which is reasonable from his troops' perspective and necessary from the perspective that Troy's doom is sealed, but completely indefensible from the perspective of what would be *themis* in father-daughter relations. So too in the *Seven Against Thebes* Eteokles' determination to face his brother reflects the fulfillment both of Apollo's warning to Laios and of Oedipus' curse, while the mutual fratricide which results simultaneously violates what is *themis* from the perspective of ordinary familial interaction. In

³² Sewell-Rutter (2007: 150-71) treats many of the same passages, though not in terms of *themis*.

other words, as I have termed it above, there is a difference between what should happen and what must happen. Although traditional *themis* describes order at the universal and the human levels, in Aeschylus it cannot do both. In other words, the state of *themis* in Aeschylus reveals a crisis of the term's implications. Even though its traditional semantic range is bound up with order, a gap between the standards of cosmic and human order appears.

ii. Themis and the Labdacid Curse

In conjunction with Eteokles' decision to station himself at the seventh gate opposite his brother, *Seven Against Thebes* draws attention to the variety of motivations for the fratricide in which the decision will result. For although Eteokles is eager to face his brother, his personal desire also coincides with a larger, supernatural impetus:³³ Laios, we are told, was thrice told by Apollo that he would keep the *polis* safe by dying without issue (*Sept.* 743-9), and his failure to abide by the repeated warning leads to the birth and crimes of Oedipus.³⁴ Similarly, although the details are unclear, it is also clear that the dramatic background to the *Seven* involves a curse that Oedipus placed upon his sons.³⁵ These two supernatural forces—the warning and the curse—appear to coincide,³⁶ and so, even though Eteokles' decision is his own, the mutual fratricide in which the *Seven* culminates takes place within a larger framework, invoking the curse of Oedipus as well as the inherited guilt vis-à-vis Apollo which

³³ For bibliography on the external motivations for the action, see the list in de Vito (1999: 165 n. 2). The recent monograph by Sewell-Rutter (2007: esp. 160-1) treats these motivations in painstaking detail.

³⁴ See Thalmann (1978: 10-1) on the god's warning; and Cameron (1971: 20-1) for Laios' repeated consultations.

³⁵ This pair of past events appears to take place in *Laios* and *Oedipus*, the first two plays of the trilogy: see Hutchinson (1985: xvii-xxvii). As such, it is reasonable to assume that, although the chorus' account of these events is subsequent to the passages I will discuss, an audience would not be unaware of them at the start of the *Seven*.

³⁶ Eteokles refers to his father's Erinyes as a curse (*ἀπά τ' Ἐρινύς*, 70), indicating, as Solmsen (1937: 198-9) and Hutchinson note (1985: *ad* 70f.) that they are identified. Cf. Sewell-Rutter (2007: 26-35, 98-102), who does not deny their conjunction, but insists upon their distinction. See further my discussion of lines 653-5 (*infra*), which identifies the curse with Apollo's warning to Laios.

aims at the destruction of the city. For my purposes, Apollo’s warning is the more significant of the two supernatural elements to the dramatic crisis, and not simply because the nature of Oedipus’ curse is somewhat unclear.³⁷ For although both appear in Eteokles’ recognition, the god’s role in motivating the fratricide and the symbolic destruction of the *polis* sets the problem of *themis* in more vivid contrast. While Eteokles resigns himself to the dictates of a higher order and becomes an agent of his father’s curse and the oracle of Apollo, in doing so he violates the norms which one would expect to govern familial relations. It is no coincidence that the sole use of *themis*-terminology in *Seven Against Thebes* appears at this crucial moment. The critical question for the confrontation can be phrased (somewhat crudely) as follows: if Eteokles is an agent of a divine will, how can he nonetheless be acting contrary to *themis*? Or, put in other words, is Apollo’s will incompatible with *themis*?

Although Oedipus’ curse is invoked early in the play (70) and the salvation of the city dominates the early part of the play,³⁸ as Eteokles learns that his brother awaits him at the seventh city gate he recognizes the collision of forces at work. In response to the news, he cries out—uniquely³⁹—in recognition:

ὦ θεομανές τε καὶ θεῶν μέγα στύγος,
 ὦ πανδάκρυτον ἄμὸν Οἰδίπου γένος·
 ὦιμοι, πατρὸς δὴ νῦν ἀραὶ τελεσφόροι (653-5).

O great hatred both inspired by and belonging to the gods!
 O the entirely lamentable family of Oedipus—my family!
 Alas, now the curses of my father bring fulfillment!

³⁷ The fragmentary epic *Thebais* refers both to Polyneikes placing the cup of Laios before his father, which had been forbidden (fr. 2 [PEG=EGF]), and to the brothers’ failure to send their father the choicest portion of meat (fr. 3 [PEG=EGF]). In the *Seven*, the sons’ incestuous origin appears to be at fault (ἐπίκοτος τροφᾶς, 786), but as Tucker (1908: xxvii-xxix); Cameron (1971: 24-5); and Conacher (1996: 38) note, it is also possible that the curse was phrased cryptically, and its meaning only clear at the moment of Eteokles’ *anagnorisis*.

³⁸ On the relationship of the *polis*’ salvation and the family tragedy, see Thalmann (1978: 31-79); Hutchinson (1985: xxxix); Conacher (1996: 39-40); cf. Solmsen (1937: 205-8).

³⁹ Conacher (1996: 52) notes that of the seven responses to the messenger, this is the only reply where Eteokles’ departs from “the impersonal considerations of a military commander-in-chief.”

The curse of Oedipus blends in with the larger pattern of divine anger afflicting the Labdacids,⁴⁰ and as Eteokles realizes, the generations-long tradition of animosity—both from within the family and from without—has reached a critical point. The two supernatural forces coincide: Eteokles draws virtually no distinction between the divine anger which affects the family externally and the curses of his father that do so from within. In consort they define the lamentable state of the *γένος*.

Eteokles' response is to choose himself as his brother's opponent. This decision is not only consistent with the external, supernatural forces he recognizes to be at work, but also reflects his own choice. For over the course of the play, Eteokles consistently expresses the belief in the gods' role in victory.⁴¹ So he articulates and rejects Polyneikes' false claim to *Dikē*'s assistance (658-71), claiming it instead for himself and offering himself as the best candidate to face his brother. But at the same time, while his desire to defend the city is noble and his focus on *dikē* reflects his position in Thebes, the logic by which he justifies the choice is problematic. As he explains it, the conflict would be between rulers, brothers, and enemies,⁴² yet the hostility which should separate him from his brother is undermined by their kinship.⁴³ There emerges the oxymoron that Polyneikes is simultaneously an *ἔχθρος* and a *κασιγνήτος*. This is not a matter, as Solmsen puts it, of a hero "bravely shouldering an unenviable, but

⁴⁰ I cannot agree with Solmsen (1937: 204-9) who argues for a conflict between Olympian and chthonic deities over the fates of Thebes and the two brothers.

⁴¹ See, for example, his comments at 4, 21-3, 35, 77, 216-8, 266. I follow Kirkwood (1969: esp. 13-5, 20-1) and Conacher (1996: 41-7, 52-4) in considering his intentions to be consistent, however significant the recognition of the curse is for the play.

⁴² *τίς ἄλλος μᾶλλον ἐνδικώτερος; / ἄρχοντί τ' ἄρχων καὶ κασιγνήτω κάσις, / ἔχθρὸς ξὺν ἐχθρῷ στήσομαι* ('Who else would be more just than I? I will face him—ruler against ruler, brother against brother, enemy against enemy', 673-5).

⁴³ Zeitlin (1982: 135-49) discusses the way that Eteokles' response to the conflict dissolves the distinction between himself and his brother.

morally preferable task.”⁴⁴ Although he recognizes his brother as a brother, Eteokles ignores the problematic implications of his intentions.

It falls to the chorus to point out the miasma that would result from kindred bloodshed (677-82). Having already spouted heroic platitudes (656-7), Eteokles, in response, speaks like one resigned to battle and death (683-5): any obligation he owed to his brother as kin has disappeared in light of larger concerns. As the chorus puts it, he suffers from *atê* and sordid desire (*κακοῦ*... ἔρωτος, 687-8), words which he himself echoes:

ἐπεὶ τὸ πρᾶγμα κάρτ' ἐπισπέρχει θεός,
ἴτω κατ' οὐρον, κύμα Κωκυτοῦ λαχόν,
Φοίβω στυγηθὲν πᾶν τὸ Λαΐου γένος (689-90).

Since the god hastens the deed, let the whole race of Laios—hateful to Phoibos—be swept with haste on the wave destined to Cocytos.

Eteokles' will coincides with the Apollo's, bringing the situation full circle to Laios' failure to abide the god's warning. Far from being a struggle over which brother has *Dikê* on his side, the conflict has a larger, religious element, and Eteokles is willing to lose his own life for the sake of fulfilling it. The problem, however, is that while Eteokles' determination reflects a larger religious concern, it is incompatible with the particular religious concern that the chorus introduces.

The subsequent exchange with the chorus reiterates much the same conflict between a larger purpose and Eteokles' particular choice, but also frames the religious problem in more precise terms: the chorus accuses Eteokles of passion (692-4) and pleads with him both to choose a different course (705-8) and to resist the impulse to battle (698-701), while Eteokles insists both that his father's curse (695-7, 709-11) and the gods compel him (702-4) and that

⁴⁴ Solmsen (1937: 200).

his purpose accords with theirs even if it means death. It is in this exchange that the chorus frames the matter explicitly in the language of *themis*:

ὠμοδακῆς ἄγαν ἵμερος ἐξοτρύνει
πικρόκαρπον ἀνδροκτασίαν τελεῖν
αἵματος οὐ θεμιστοῦ (692-4).

A fiercely gnawing desire moves you in excess to carry out a homicide that bears bitter fruit, consisting of blood it is not *themis* to shed.

The chorus ignores the question of larger motivation and focuses instead on Eteokles' own desire, stressing the problematic nature of his choice by framing his intentions in disturbing terms. His desire is like a monster,⁴⁵ and the slaughter's bitter outcome consists in a violation of *themis*. There is no question that, from the chorus' perspective, Eteokles' choice is deeply disquieting, but scholarship has failed to recognize the implications of the exchange. As Hutchinson notes, the phrase οὐ θεμιστοῦ indicates that "the killing would be a violation of the law of the gods,"⁴⁶ but this is only partially true. For as we have seen, Eteokles clearly justifies his course of action as fulfilling the gods' will.

The debate between Eteokles and the chorus reveals a disturbing ethical gap. For in considering himself an agent of the divine will, Eteokles steps outside of the norms that govern human behavior. He frames the normally unthinkable act of kin-killing within a larger, divine order, and so ignores the problematic nature of his intentions by paradoxically claiming that *dikê* is on his side (662-73). But the idea that *dikê* will reveal itself in an act that violates *themis* is paradoxical,⁴⁷ and the chorus' objection is salient: it raises the larger problem of how the god is manifest in such perverted family relations, a problem that is all the more striking inasmuch as it is left unresolved. Eteokles' determination reveals a crisis of *themis*: he cannot

⁴⁵ See Hutchinson (1985: ad 692).

⁴⁶ Hutchinson (1985: ad 693f.).

⁴⁷ See Zeitlin (1982: 137-44) for a discussion of how *dikê* reflects Oedipus' curse.

act as an agent of the divine order and follow the norms of human interpersonal relationships as described by *themis*. He may act as he must, but it is not clear that he does what he should. Of all the claims about *themis* which go unanswered in Greek literature, this one is the most problematic, as Eteokles ignores the thrust of the chorus' point.

Aeschylus provides no answer to this crisis, but a broad consideration of the Theban trilogy nonetheless helps illuminate the sources of the breach. For all three plays juxtapose supernatural and personal motivations, and dwell on the perversions of family order that result: Laios' failure to abide Apollo's warning produces Oedipus, whose crimes against both mother and father and whose curses in turn lay the path for his sons' mutual fratricide. At the start of *Seven*, therefore, the Labdacids' relationship with the divine—for all Eteokles' faith in the gods' assistance and his own *dikê*—is out of sorts. Had Laios heeded the gods' warning, an appropriate relationship with the divine might have been salvaged. But his failure dooms his grandsons: even though Eteokles envisions himself an agent of the gods' will, that will is hostile to him. Paradoxically, the restoration of Thebes' appropriate relationship to the gods hinges on actions that are executed piously, but which would otherwise offend them.

iii. Kin-killing and the Oresteia

More so than the *Seven Against Thebes*, the *Oresteia* repeatedly invokes *themis* in problematic contexts, where what ought to be done and what should be done come into conflict. As in the *Seven*, the questions surrounding *themis* involve the matter of kin-killing, but the *Oresteia* thematizes the problem to a much greater extent than the Theban play and sets the crisis of *themis* in even starker contrast. For while the chorus in *Seven* invokes *themis* so as to dissuade Eteokles from facing his brother to no effect, in the *Oresteia* claims about *themis* serve to advocate perversions of family order, to the point where Apollo himself authorizes Orestes' matricide. My focus on *themis* supplements the long tradition of

scholarship on the *Oresteia* and adds a further layer of depth to consideration of the trilogy's themes; while there has been a particular focus on the problems of *dikê* that the plays raise, I hold that these cannot be considered without reference to the crisis of *themis* that underlies them. For if *dikê* involves requital on the guilty,⁴⁸ and the *Oresteia* comprises an extended conflict aimed at appropriating *dikê*,⁴⁹ then violations of *themis* underlie all of the problems surrounding *dikê*.

During the *parodos* of *Agamemnon*, the chorus of elders quotes Agamemnon as he deliberates over the situation at Aulis and the seer Calchas' solution. The general's *aporia*, which boils down to a choice between military duty or killing his daughter Iphigeneia, culminates in a reference to *themis* that has been the subject of much debate.

ἄναξ δ' ὁ πρέσβυς τόδ' εἶπε φωνῶν	205
“βαρεῖα μὲν κῆρ τὸ μὴ πιθέσθαι, βαρεῖα δ' εἰ τέκνον δαΐξω, δόμων ἄγαλμα, μιαίνων παρθενοσφάγοισιν ῥεῖθροικ πατρώους χέρας	210
πέλας βωμοῦ· τί τῶνδ' ἄνευ κακῶν; πῶς λιπόναυς γένωμαι ξυμμαχίας ἀμαρτῶν; παυκανέμου γὰρ θυσίας παρθενίου θ' αἵματος αὐδᾶ	215
περιόργως ἐπιθυμεῖν θέμις. εὐ γὰρ εἶη” (205-17). ⁵⁰	

And the senior general spoke out aloud: “grave is the disgrace of not yielding, but grave as well if I will slay my child, the ornament of my home, and by an altar pollute paternal hands with the streams of a daughter’s slaughter. Which of these is without peril? How could I be the deserter of the fleet and fail my alliance? For it is *themis* to desire with eager voice a sacrifice to calm the winds—even one consisting of a maiden’s blood. So, may it turn out well.”

⁴⁸ Kitto (1961: 77) invokes the sentiment of Ag. 1564 (*παθεῖν τὸν ἔρξαντα*) in arguing for *dikê* as retribution.

⁴⁹ Goldhill (1986: 33-56).

⁵⁰ 215 αὐδᾶ M^{pp} T: ὀργᾶ M (-ᾶν fortasse M^a) ὀργᾶ V F (*apparatus* as in West [1990: 178]). The text I print is that which I adopt and will argue for below.

The problems with the passage stem from uncertainties in both text and meaning in the last few lines: “for centuries these words have been repeatedly questioned or altered.”⁵¹ The transmitted reading *ὄργᾳ περιόργως ἐπιθυμείν* (215-6) is, as West puts it, “gravely overloaded,”⁵² but so too is the assertion that it is *themis* to sacrifice Iphigenia—or even to desire said sacrifice—simply unsettling, especially coming from the mouth of her father, and even if the craving cannot be his own.⁵³ I will treat the textual problem first before offering an interpretation of why it is appropriate for Agamemnon to invoke *themis* as he grapples with the pressure of acting in his troops’ best interests.

Questions about the text focus largely on the three words that comprise the unsettlingly pleonastic expression *ὄργᾳ περιόργως ἐπιθυμείν*. West follows Fränkel in preserving *ὄργᾳ περιόργως*, but deletes the infinitive *ἐπιθυμείν* on the logic that it is a gloss for *ὄργᾳν*, citing the scholia in justification.⁵⁴ He then attempts to find a place for the variant *αὐδᾶ*, concerning which he follows Thomson in arguing that “no treatment of the passage is satisfactory which fails to account for it. It cannot have arisen as a misreading.”⁵⁵ Into the vacant space created by the deletion of the infinitive *ἐπιθυμείν* he places *αὐδᾶ*, modifying Keck’s conjecture *〈δέ γ’ ἀπ〉αὐδᾶ* to *〈ἀπὸ δ’〉 αὐδᾶ*. The result is not one, but a pair of sentences: *πανσανέμου γὰρ / θυσίας παρθενίου θ’ αἵματος ὄργᾳ / περιόργως. 〈ἀπὸ δ’〉 αὐδᾶ* *Θέμις* (“For [the alliance] is very eager for a sacrifice to calm the winds and a maiden’s blood.

⁵¹ Fränkel (1950: *ad* 215ff.).

⁵² West (1990: 179).

⁵³ There has been much debate on the subject of the infinitive: it is neither Agamemnon (as for Wilamovitz [1922]; Edwards [1978: 25]; Nussbaum [1986: 35]) nor (an unnamed) Calchas as the mouthpiece of Artemis, but must refer to the *ξυμμαχία* of 213. See Fränkel (1950: *ad* 215ff.); West (1990: 178-80) for the interpretations; and, most recently, Egan (2007: 183, n. 18).

⁵⁴ West (1990: 179). Page’s edition keeps close to the transmitted text, but prints Bamberger’s emendation *ὄργᾳ περιόργω σφ’ ἐπιθυμείν* for *ὄργᾳ περιόργως ἐπιθυμείν*—an emendation I will discuss briefly below.

⁵⁵ West (1990: 179).

But *Themis* forbids it”). As the metrical equivalent of ἐπιθυμῆν, the conjecture <ἀπὸ δ’> αὐδᾶ fits into the ionics that respond to line 203, and what is more, West’s solution tidily does away with the problem of how a desire for the sacrifice can be *themis*: <ἀπὸ δ’> αὐδᾶ inverts the meaning of the transmitted phrase to make personified *Themis* forbid the sacrifice.⁵⁶ But while tidy, West’s emendation transposes αὐδᾶ from its transmitted location, and the resulting violence to the text and the transmitted meaning is cause for serious concern.

I retain the infinitive ἐπιθυμῆν despite the accusation that it is a gloss, not only because the manuscript tradition unanimously supports its retention, but in addition, as was noted above, because it is metrically appropriate to the ionics that respond to 203. Nevertheless, West is right to draw attention to the variant αὐδᾶ (for ὀργᾶ), and I agree that it cannot have arisen as a misreading. In light of the troublingly pleonastic expression ὀργᾶ περιόργως ἐπιθυμῆν, I prefer αὐδᾶ to ὀργᾶ. My reasoning is as follows: when he retained ὀργᾶ, Fränkel noted that it presents a “peculiar (archaic?) form of intensification” created by the repetition of a given stem (ὀργᾶ περιόργως).⁵⁷ But while the intensification has a certain charm, even Fränkel admitted that “this mode of expression seems to be very rare.”⁵⁸ Of all the issues that appear to be in play in Agamemnon’s deliberation, the passionate desire of his troops does not at first glance deserve the emphasis that ὀργᾶ περιόργως places on it.

To my mind, αὐδᾶ is the *lectio difficilior*, and it is precisely the problems with this reading that can explain how the variant ὀργᾶ entered the textual tradition. For interpreting αὐδᾶ (as a verb) raises major problems: there is the question of its unnamed subject, and also the grammatical peculiarity that the verb would require θέμις to stand as an indeclinable

⁵⁶ So also Willink (2004: 52).

⁵⁷ E.g. αἰνοθὲν αἰνώω *Il.* 7.97; τὸν πικρῶς ὑπέρπικρον *PV* 944. See Fränkel (1950: *ad* 215ff.).

⁵⁸ Fränkel (1950: *ad* 215ff.); Denniston-Page (1957: *ad* 214) and Willink (2004: 53) are also suspicious.

accusative governing the infinitive ἐπιθυμῆν—i.e. “[*subject*] says that it is *themis* to desire eagerly...”⁵⁹ I think it likely that ὀργᾶ entered the tradition in an attempt to make sense of the reading αὐδᾶ, since it not only provides solutions to both problems with minimal alteration of meaning, but also echoes the sentiment of περιόργως already present in the passage.

In restoring the reading αὐδᾶ, I argue that the difficulty of reading it requires not textual emendation, but rather a simple reconsideration of its part of speech. For if one interprets it as a dative noun and not a finite verb, the meaning of αὐδᾶ is easily established and the difficulties surrounding the verb disappear: I understand the expression αὐδᾶ περιόργως ἐπιθυμῆν θέμις as meaning “it is *themis* to desire with eager voice... (*lit.* ‘eagerly with the voice’)”—that is, that it is appropriate to express (with some clamor) a desire for the sacrifice.⁶⁰ The syntax is difficult—particularly the close construal of the adverb περιόργως with αὐδᾶ—but such a meaning is consistent with the context traced in the *parodos*: at first glance the alliance (ξυμμαχίας, 213) is the logical antecedent for the unexpressed subject,⁶¹ and given the situation previously described—the fleet is detained at Aulis (188ff.) and the troops are suffering (194ff.)—when Calchas reiterates not only the fleet’s problem, but its ghastly solution, Homeric precedent strongly suggests that the advice was delivered publicly before the assembled army, or at least before the other leaders.⁶² In other words, the issue and its solution is a public matter. The ‘eager speech’ that Agamemnon invokes, then, might refer

⁵⁹ Jebb is skeptical of the possibility of an indeclinable *themis*: see his comments on a relevant passage in the *Oedipus Coloneus* (1900: ad 1191); so too Garvie in the discussion to Dawe (1999: 75).

⁶⁰ This interpretation proceeds on the logic that the construction which is built on the infinitive ἐπιθυμῆν is dependent on the nominative *themis*. For αὐδῆ as speech, voice, or rumor, cf. Soph. OC 240; Eur. *Hipp.* 567; *Supp.* 600.

⁶¹ So also West (1990: 178). I will return to the matter of the infinitive’s subject shortly.

⁶² The *parodos* plays on the assembly-scene of *Iliad* 1: not only does the goddess’ wrath at Aulis recall Apollo’s at Troy, but the chorus makes a point of relating how Agamemnon blamed the prophet in no way (μάντιν οὔτινα ψέγων, 186), a pointed departure from his abusive words at *Il.* 1.106-8. Agamemnon’s perspective at Troy has no doubt shifted following the sacrifice of Iphigenia at Aulis.

to Calchas' own advice, but is more likely the alliance's clamoring support for the prophet's position. It is perfectly appropriate for Agamemnon to consider the arguments urging the sacrifice Iphigeneia as occurring 'in a speech' (*αὐδᾶ*), as such a speech is consistent with the public process of deliberation implied by the context.

Other aspects of Agamemnon's response emphasize the predominately public nature of his concerns: when he begins by lamenting the risk not of killing his daughter, but of not yielding (*τὸ μὴ πιθέσθαι*, 206), there is a clear acknowledgement of the situation at Aulis' gravity. The pressure Agamemnon feels can be traced only to the alliance,⁶³ which must have responded to Calchas' interpretation of the predicament ardently enough to put the general in the precarious situation he finds himself in. So while the horror of the sacrifice is admittedly a factor for Agamemnon (as his pathetic *μιαίνων παρθενοσφάγοισιν ρείθροις πατρώους χέρας* reveals), it remains secondary to the public concern.⁶⁴ Agamemnon frames the dilemma involving Iphigeneia within the larger issue; his opening words privilege the pressure he feels from his alliance, and so too does he subsequently interrogate himself with imagined accusations of desertion (*πῶς λιπόνανς γένωμαι*, 211) and personal responsibility for the expedition's failure (*ξυμμαχίας ἁμαρτών*, 212). Agamemnon is an experienced enough leader to know that seers' solutions to public problems often give way to popular pressure, and it is as though he can hear the clamor of his men urging him to appease Artemis.⁶⁵

⁶³ So also Dawe (1999: 72); *pace* Willink (2004: 52), who interprets *ξυμμαχίας* as the general's bond with Menelaus.

⁶⁴ So Nussbaum (1986: 35) also considers the sacrifice "the *better* choice" by comparing the future indicative *εἰ τέκνον δαίξω* to the weaker, deliberative subjunctive *πῶς λιπόνανς γένωμαι*.

⁶⁵ For as Diomedes argues (*Il.* 9.33), it is *themis* to voice opinions—even ones offensive to a *basileus*—in the agora. And for the audience of Aeschylus well versed in Homer, it comes as no surprise that the seer's solution is unfavorable to that leader.

Far from being unusual, then, *αὐδᾶ* fits easily into the context: despite the fact that “the content of Calchas’ utterance is left vague,”⁶⁶ Agamemnon’s response indicates that he is under real pressure to sacrifice Iphigeneia. The pressure, as noted, must come from the alliance—on Calchas’ recommendation—which desires this sacrifice as the release from the hardship described at 184-98. Skeptics may object that the *parodos* makes no reference to a public speech delivered by a spokesman for this viewpoint, but so too is the critical detail of Calchas’ prophecy—that Iphigeneia be sacrificed—omitted and only revealed in the contents of Agamemnon’s response. In fact, one need not even assume that there occurred a specific speech in support of the sacrifice; the clamor of the troops is enough. We have only Agamemnon’s response to the situation, and his deliberation simply indicates that he acknowledges the rationale for killing Iphigeneia. It is the rationale that is critical to his deliberation: Agamemnon recognizes the force of the argument in favor of the sacrifice (206) and goes so far as to accept its motivation: he tells himself that it is *themis*—given the situation—to express a desire for a solution, namely, a sacrifice to calm the winds, even one consisting of a maiden’s blood.⁶⁷ As Willink notes, Agamemnon has “made his decision before the shocking terminal wish *εὖ γὰρ εἶη*,”⁶⁸ and one can trace his resignation in the acknowledgement that it is appropriate (*themis*) to express a desire (*αὐδᾶ ἐπιθυμῆν*) to follow the prophet’s advice. The question of whether such a speech occurred or not is moot: what is important is that Agamemnon accepts its rationale.

⁶⁶ West (1990: 179): all the chorus relates is that “the prophet cried out, making Artemis known [sc. as the cause of the hardship]” (*μάντις ἔκλαγξεν, / προφέρων Ἄρτεμιν*, 201-2).

⁶⁷ Whether or not a spokesman actually made a formal appeal to Agamemnon in response to the prophecy is not the crucial point, for Agamemnon’s response indicates that he conceives of such an argument as *themis*: *πανσανέμου γὰρ θυσίας παρθενίου θ’ αἵματος αὐδᾶ περιόργως ἐπιθυμῆν θέμις*. Given the fact that popular approval is one of the formulaic responses to a speech in Homer (e.g. *ἔνθ’ ἄλλοι μὲν πάντες ἐπευφήμησαν Ἄχαιοὶ* [*Il.* 1.22; 1.376]), it is easy to posit such a response to Calchas in this particular case, even if the chorus elides the content of his prescription.

⁶⁸ Willink (2004: 51).

The use of *themis* is the most problematic element of the passage, but once one recognizes that Agamemnon is acknowledging both the force of the alliance's need and the appropriateness of its position, the rhetorical power of his inner dialogue becomes clearer. Abstract (and not personified⁶⁹) *themis* is the lynchpin of the rhetoric, and once again, one recalls the force of *themis* in character-speech, where it appeared as a rhetorical trump card of sorts, forestalling the objections of interlocutors.⁷⁰ Agamemnon's use of the term is fully in line with these, for when he rationalizes that it is *themis* to desire his daughter's sacrifice, he has essentially conceded defeat. There is no counter-argument, and he can only conclude with a wish for the future (ἐὺ γὰρ εἴη, 217).⁷¹ Like a Homeric character, when faced with a claim to *themis*, Agamemnon has no response. In this respect, the fact that he suppresses the source of the claim is appropriate: though Bamberger suggested inserting *ὁφ'* at 216 as a subject for the infinitive ἐπιθυμεῖν, we need not supply a subject, and in fact, "we should perhaps recognize that the absence of a definite subject is intentional."⁷² For although the passage implies that he is imagining the alliance as the infinitive's subject, Agamemnon's resignation in the face of a claim to *themis* also suggests that he has come to share its opinion.

⁶⁹ Pace West. Dawe (1999: 71) also opposes West's emendation (with personified *Themis*), but his grounds are weak: "If Themis opposes the daughter-slaughter, she by the same token opposes the will of Zeus who is sending the expedition to Troy, and the will of Artemis too, whether in her embodiment as Hekate... or not. But Themis is a close associate of Zeus... [and] cannot forbid what such deities have prescribed." The problem is not *Themis'* relation to Zeus, but the desire to have the personified goddess present.

⁷⁰ See pp. 27-9 (*supra*).

⁷¹ Denniston (1934: 94) argues that the uses of γάρ at both 214 and 217 look back to the question πῶς λιπόναν γένομαι and to the passionate desire of the alliance—hence my translation above as "So, may it turn out well."

⁷² Fränkel (1950: *ad* 215ff.). So also Willink (2004: 53). Garvie, in the discussion to Dawe (1999: 75) argues that *themis* "represents Agamemnon's own assessment of the situation. Anyone who is making up his mind to do something that he feels to be wrong is likely to try to persuade himself, not only that it is legitimate in the circumstances, but that it is positively the right thing to do." I disagree with the assertion that this is his assessment, but Garvie is right to point to the need for self-persuasion.

The problem with Agamemnon's resignation, however, is that he subsequently acts as though the reference to *themis* governs not just the desire to appease Artemis, but the entire situation—sacrifice and all.⁷³ Here there appears a gap in *themis*' semantic force: while it is *themis* for the army to desire a *lusis* in accordance with Calchas' advice, there is also a far more pressing issue involving *themis*—whether it is *themis* for a father to sacrifice his daughter—which becomes the 800-pound gorilla that is wholly ignored. Agamemnon does not tell himself that it is *themis* to sacrifice his daughter (or that the alliance is arguing as much) but that voicing the desire is *themis*—that is, inasmuch as the sacrifice is the appropriate solution to the present hardship.⁷⁴ But his failure to heed the more immediate and personal problem of *themis* reveals a gap, and when he concludes his speech with a wish for the future (*εὖ γὰρ εἴη*, 217), one glimpses not only the force of his rationalization, but, more urgently, the deeper problem in what he is about to do. As a general, he ought to act in his army's interest, but as a father he has an obligation to his family. *Themis* governs both roles, but is here divided against itself: the gap between what it actually describes in his deliberation and what it ought to describe produces a paradox—the Aeschylean *aporia*.

Unlike the chorus' single complaint about kin-killing as a violation of *themis* in *Seven Against Thebes*, Agamemnon's reference to *themis* and the problematic resonance the term carries become thematized as part of the larger fabric of the play and the trilogy. For later in the *Agamemnon*, as she argues with the chorus after murdering her husband, Clytemnestra draws an explicit connection between her actions and Agamemnon's deliberation:

⁷³ Cf. the exchange with Clytemnestra at 933-4, where under pressure he admits he would tread on the carpets were someone knowledgeable to command it as ritual: *εἴπερ τις εἰδώς γ' εὖ τόδ' ἐξείπεν τέλος*. The carpet-scene thus recalls the sacrifice of Iphigeneia: see Scodel (1996: 117-9). One can retrospectively posit that he interprets Calchas' prescription (or the support for it), accordingly, as ritually appropriate.

⁷⁴ Cf. Denniston-Page (1957: *ad* 214ff.): “the world at large thinks it is his *duty* to do what Artemis commands.”

καὶ τήνδ' ἀκούεις ὀρκίων ἐμῶν θέμιν·
 μὰ τὴν τέλειον τῆς ἐμῆς παιδὸς δίκην—
 Ἄτην Ἐρινύν θ', ἧσι τόνδ' ἔσφαξ' ἐγώ (1431-3).

Now you hear this, the *themis* of my oaths: by the justice accomplished for my child—the Madness and Fury to whom I sacrificed this man.

Clytemnestra's reference to *themis* has been poorly understood, in no small part because the intratextual relationship to Agamemnon's usage has been neglected.⁷⁵ By comparing it with Agamemnon's statement, however, Clytemnestra's claim makes significantly more sense. For when Agamemnon convinced himself of the need to sacrifice his daughter by imagining the reasonability of his alliance's argument, his idea that it was *themis* to express the desire for the sacrifice ignored the more pressing issue of *themis*—whether it is ever appropriate for a father to kill his daughter. Clytemnestra's claim reopens the gap: although she claims that her oaths to slay her husband involved *themis* (presumably, given the argument that follows, as retribution for Iphigenia), her invocation of *themis* raises the same problem as Agamemnon's. For while *themis* applies to oaths,⁷⁶ by invoking the term Clytemnestra invites the objection that *themis* ought to forbid a wife from killing her husband, and the paradox remains present for subsequent plays.⁷⁷ For the chorus, the external audience, and the text's narrative audience, Clytemnestra's claim that her actions fulfill the *themis* of her oaths resonate heavily. In both scenes, kin-killing is paradoxically justified with reference to *themis*.

⁷⁵ “it is not easy to find any other place where *θέμις*, ‘what is prescribed by custom’, ‘what is right and proper’ has acquired such a meaning as ‘sanctity’... More probably the meaning is ‘propriety’, ‘justness’: Clytemnestra deliberately insists that it is right and proper for her, placed as she is, to swear by such sinister demons as Atê and Erinys; the expression is equivalent to *θεμιτὰ ἀκούεις ὀρκια*, ‘you hear my right and proper oaths’” (Denniston-Page, 1957: *ad* 1431).

⁷⁶ E.g. *Il.* 23.580-5.

⁷⁷ So also at *Ch.* 639-45 does the paradox recur—despite the textual problem: *τόδ' ἄγχι πλευμόνων ξίφος / διανταίαν / ὄξυπενκὲς οὐτᾶ / διαὶ δίκας, τὸ μὴ θέμις, {γὰρ οὐ} / λάξ πέδον πατουμένας—τὸ πᾶν Διὸς ἐέβας παρεκ-/βάντες οὐ θεμιτῶς* “near the lungs this sharp sword drives straight through because of justice—what is not *themis*—trodden down underfoot, on those transgressing altogether and without *themis* the reverence of Zeus.”

In the final play of the trilogy, Aeschylus adds a further layer of complexity to the implications of *themis*. For while the term initially appears in the context of kin-killing and primarily probes *themis*' traditional reference to what is normal or right, in the *Eumenides*, the problems surrounding *themis* are compounded by its oracular connotations. For via personified *Themis*' affiliation with the oracle of Apollo (1-8), the god's commands to Orestes thereby imply that the matricide accords with *themis*.⁷⁸ Coming as it does from a divine source, *themis* does not simply reflect the rhetoric by means of which Agamemnon wins himself over or the context of oaths which Clytemnestra's argument perverts, but comprises, rather, a reflection of a divine order.⁷⁹ No longer limited to human ideas about *themis*, the problem now appears at the divine level; in opposition to Apollo's commands appear the Erinyes, whose objection to the matricide assumes its incompatibility with *themis* (even if they do not invoke the term itself). The paradox cannot be entirely resolved, but the court scene in which the *Eumenides* culminates lays the procedural groundwork for addressing conflicts of this kind.

When the conflict encroaches upon the gods, it prompts Athena's intervention, and (as has long been noted), in the creation of the court of the Areopagos, it results in a kind of *dikê* that was absent in the earlier conflicts' focus on simple retribution. For my purposes, the divine intervention and the institution of the Areopagos address the conflicts of *themis* that lie at the root of the trilogy's questions surrounding *dikê*. The conclusion they reach is different from the ones previously enacted in the human realm, and the outcome of the trial echoes the

⁷⁸ One could argue that something similar is implicit in Calchas' prophecy in *Agamemnon*—that the seer has access to the divine perspective—but the solution is not described there as *themis*; it is only the desire for the sacrifice that is called *themis*. That the god's will is paramount is forcefully asserted by Pylades (*Ch.* 900-2).

⁷⁹ To trace the parallel all the way back to *Seven Against Thebes*, as Saïd notes (1985: 204), Orestes' choice to obey Apollo's oracle is the opposite of that of Laios in the Theban trilogy.

peaceful transmission of the oracle described in the prologue's 'previous owners' myth. Ultimately, Athena puts an end to the violations of *themis* and the struggle over *dikê* not—as other characters do—by defending particular claims to *themis*, but by treating *themis* as a kind of restraint and by considering the different claims of its partisans. When she confronts the Erinyes for the first time, for example, she hesitates to speak ill of them by invoking *themis*, welcoming instead their perspective on the matter.⁸⁰ The trial itself, moreover, continues to manifest Athena's restraint; when she refuses to judge the case personally, she does so on the grounds that it is not *themis* for her to do so (470-2). As with traditional assertions about *themis*, her claim cannot be opposed,⁸¹ and the result is the court proceedings that allow each party to make its case.

Despite the scholarly focus on the novelty of the kind of *dikê* instituted by the court, I wish to draw attention to how familiar the Areopagos' procedure is in light of traditional ideas about *themis*. For while it has long been recognized that the treatment of the Areopagos is bound up with the contemporary matter of Ephialtes' reforms, and that Aeschylus' myth offers one aetiology for the court's jurisdiction over murder trials,⁸² the supposed novelty of the court actually corresponds more closely with the archaic court system described in epic poetry than it does with contemporary Athenian homicide law.⁸³ Recall the second chapter of this study, for example, in which we observed that the machinery of archaic justice involved

⁸⁰ "To speak ill of one who is blameless is a long way from what is just and *themis* keeps away from it" (λέγειν δ' ἄμομφον ὄντα τὸν πέλας κακῶς, / πρόσω δικάϊων ἢδ' ἀποστατεῖ θέμις, 413-4).

⁸¹ That the goddess invokes *themis* in refusing to judge the case personally reflects the epic use of *themis* as a rhetorical trump card: the other reasons she offers boil down to the fact that Orestes is a suppliant at her altar (473-4).

⁸² The other aetiology is that the Areopagos is named for Ares, who was prosecuted by Poseidon before this court: see (D. 23.66; Din. 1.87; Apollod. 3.14.2). Sommerstein (1989: 5) considers that the Aeschylean version was already in circulation before the production of the *Eumenides*.

⁸³ As Sommerstein (1989: 16) notes, the "trial of Orestes in *Eu.* is conducted much less formally than a real trial before the Areopagos would be; in some respects, indeed, it is less formal even than ordinary trials before popular juries." On the complexity of homicide law in Athens, see MacDowell (1963).

rival claims about *themis* presented to a judiciary which itself determined the appropriate response (or, where an appropriate response was lacking, generated one in its stead).⁸⁴ Crudely speaking, this is the process followed in the play's trial. The basic procedural outline is clear: even if oaths are wholly absent, only one witness is called (and is actually interrupted!), and in general, the trial is framed as a matter "concerning which there are no laws",⁸⁵ the presentation of rival claims about *themis* before a judiciary reflects an old process. Nor need we be disturbed by the minor anomalies in the trial; the *Eumenides*' depiction of the court-scene is in good company, for it suffices in other literary depictions of trials to sketch out in crude (and often confusing detail) the processes at work or assumed.⁸⁶ The *Eumenides* simultaneously evokes traditional ideas about court processes and directs its audience to recognize the contemporary, and indeed, local significance of the particular case at issue. Even though the conflict in the play is taken up at the divine level, the solution enacted takes form in a human institution. *Themis* finds a place in the *Eumenides*, and though the conflict that it addresses is difficult and its verdict a retrospective analysis of past decisions, for the first time in the trilogy we find in the trial's procedure something that could recognizably be termed *themis*.

d. *Themis*, Prometheus, and Zeus' Sovereignty

i. Introduction

The crisis of *themis* depicted in *Prometheus Bound* is of a markedly different character than in the other plays in the Aeschylean corpus.⁸⁷ Instead of human agents grappling with

⁸⁴ See pp. 85-92 (*supra*).

⁸⁵ Sommerstein (1989: 17).

⁸⁶ Consider the debates over the trial scene on Achilles' shield (*Il.* 18.497-508) and the dispute between Hesiod and Perses which provides the façade for the *Works and Days*. Edwards (1991: *ad* 18.498-500) summarizes well the problems with the former, and Edwards (2004) reconsiders the situation surrounding the latter.

⁸⁷ I agree with Griffith (1977) and West (1990: 51-72), that the play's author postdates Aeschylus, though my arguments in what follows are not pertinent to this problem. Despite my doubts, for the

impossible choices, where what is *themis* is unclear, confused or suppressed, in *Prometheus Bound* the crisis of *themis* has larger, cosmic overtones. At issue is the regime of Zeus, and vis-à-vis the divine tyrant, *themis* carries both its traditional and novel semantic force. The drama invokes, on the one hand, the Hesiodic tradition of Zeus' rise to power:⁸⁸ just as the *Theogony's* succession myth culminated in the order of Zeus (embodied in his marriage to *Themis* and their offspring),⁸⁹ so too is *Prometheus Bound's Themis* aligned with Zeus (both figuratively and literally) in his victory over the Titans. On the other hand, however, *Themis* is not simply the traditional figure she cuts in Hesiod, but also the prophetess first encountered in Pindar's eighth *Isthmian* ode. For not only does she provide the crucial prophecy which leads to Zeus' accession, but so too does Prometheus' knowledge of a future threat to Zeus' rule—his sole bargaining chip in their conflict—derive from his mother.

The twofold aspect of *Themis* frames the tragic action, as she is important both in the drama's mythological background and its prophesied future. The problem, however, is her conspicuous absence in the dramatic present: the past affiliation between Zeus and *Themis* is mentioned only briefly, and is thoroughly overshadowed by his current conflict with Prometheus. As Marinella Corsano has noted, the *Theogony* describes Zeus' promise to distribute *timai* amongst the gods by means of the epic formula ἦ θέμις ἐστίν (395-6), and in *Prometheus Bound* it is precisely Zeus' refusal to grant humanity a *timê* which prompts Prometheus' rebellion.⁹⁰ Given the closeness of mother and son stressed elsewhere, Zeus'

purposes of my argument I group *Prometheus Bound* with a discussion of the rest of the Aeschylean corpus.

⁸⁸ Prominent in the mythological background to *Prometheus Bound* are a pair of incidents familiar from Hesiod—Zeus' accession to cosmic supremacy, and his quarrel with Prometheus. Few discussions of the play fail to note that it combines the two Hesiodic episodes as the basis for its plot: see, for example, Griffith (1983: 1ff.). Solmsen (1949: 124, n. 1) lists older bibliography.

⁸⁹ See pp. 66-9 (*supra*).

⁹⁰ Corsano (1988: 31-40).

quarrel with Prometheus extends, by implication, to *Themis* as well, and her distance from Zeus has a ripple effect on the interpretation of his regime. For while it is regularly commented that Zeus is a new, tyrannical ruler,⁹¹ the novelty of his regime is also reflected in a certain instability. Each of *Themis*'s two aspects illustrates this instability: her threat of future downfall reflects the regime's current fragility, and Zeus' attempts to coerce the details from Prometheus at the play's conclusion similarly lay bare how detachment from *themis* leads not to order, but to ignorance and desperate attempts at self-preservation. It is an understatement to observe that the regime of Zeus lacks the order it exemplified in Hesiod.

The result is a crisis of sorts for the current cosmic order. But instead of focusing solely on Zeus or Prometheus, I am interested in examining the crisis via the figure of *Themis*: although absent in the drama itself, she is crucial to the dramatic framework. What we find in the play is a unique collision of *themis*'s twofold aspect, and the dramatization of a political crisis that results from the confrontation of these two semantic fields. The result of the collision, as in other Aeschylean tragedies, is a paradox of sorts, and it is important to recognize that a tension arises between two truths corresponding to the term's two semantic forces. For depending on how one views *themis*, the nature of the crisis shifts slightly: on the one hand, Zeus' regime appears unsteady because it no longer accords with *themis* (*qua* abstract order); but on the other, its specific susceptibility to a threat of further succession is only indicated by the revelation that it will be overthrown. The former is revealed in the quarrel with Prometheus, the latter by the prophecy of *Themis* that he reports. But while the twofold aspect of *themis* points to a crisis in the regime, the resolution appears to come later:

⁹¹ Griffith (1983: 7) summarizes the various tyrannical features of Zeus. Few would argue that *Prometheus Bound* lacks political overtones; an entire industry of scholarship has arisen concerning what one scholar has dubbed "the paradox" of the play (Farnell [1933: 40]). Podlecki (1966: 101-2) succinctly analyzes the scholarly trend.

Themis' prediction remains unfilled by the tragedy's end, and it is unclear what role it played in the dramatic fabric of the sequel *Unbound*.

ii. *Themis and Zeus' Rule*

From the start of the play, the character of Zeus' sovereignty is outlined as an important theme, and its character—as initially revealed—directs the audience's sympathies toward the protagonist Prometheus. Hephaistos' reluctance to bind a kindred divinity (14ff.), not to mention his assessment of the harshness of new rulers (35), renders the binding of Prometheus problematic. Questions about Zeus appear almost immediately, and further elaboration is not long in the offing: after the epirrhematic *parodos* (127-92), the Titan outlines the events which brought about his current predicament. As he builds towards revealing his service to mankind—the philanthropy which defied and angered Zeus (10-11)—he describes Zeus' rise to power. His account of the Titanomachy is elliptical and personal, for as he explains, when the gods began to quarrel (199-203), he attempted to take sides:

ἐνταῦθ' ἐγὼ τὰ λῶστα βουλευῶν πιθεῖν
 Τιτᾶνας, Οὐρανοῦ τε καὶ Χθονὸς τέκνα, 205
 οὐκ ἠδυνήθην· αἰμύλας δὲ μηχανάς
 ἀτιμάσαντες καρτεροῖς φρονήμασιν
 ᾤοντ' ἀμοχθεῖ πρὸς βίαν τε δεσπόμεν·
 ἐμοὶ δὲ μήτηρ οὐχ ἄπαξ μόνον Θέμις
 καὶ Γαῖα, πολλῶν ὀνομάτων μορφῇ μία, 210
 τὸ μέλλον ἦ κρανοῖτο προυτεθεσπίκει,
 ὡς οὐ κατ' ἰσχὺν οὐδὲ πρὸς τὸ καρτερόν
 χρεῖη, δόλω δὲ τοὺς ὑπερσχόντας κρατεῖν.
 τοιαῦτ' ἐμοῦ λόγοισιν ἐξηγουμένου
 οὐκ ἠξίωσαν οὐδὲ προσβλέψαι τὸ πᾶν. 215
 κράτιστα δὴ μοι τῶν παρεστώτων τότε
 ἐφαίνετ' εἶναι προσλαβόντα μητέρα
 ἐκόνθ' ἐκόντι Ζηνὶ συμπαραστατεῖν·
 ἐμαῖς δὲ βουλαῖς Ταρτάρου μελαμβαθής
 κευθμῶν καλύπτει τὸν παλαιγενῆ Κρόνον 220
 αὐτοῖσι συμμάχοισι. (204-221)

And despite having the best plans, I was unable to persuade the Titans, the children of Heaven and Earth. They thought that they would easily gain mastery by means of force, and with their mighty intentions scorned my crafty schemes. But my mother *Themis* and Gaia (one figure with many names) more than once had foretold how the future would turn out, how the conquerors would rule neither by strength nor might, but by craft. But they did not think it fit to pay any mind to such things as I revealed them. So of the alternatives available to me, it seemed best to take my mother and assist Zeus by mutual consent. And by my plans the black depths of Tartaros now contain aged Kronos and his allies.

As he presents it, Prometheus' role in the Titanomachy has three phases. Initially, he offers his services to the Titans, but when they reject his advice, he turns elsewhere. Zeus on the other hand, appears willing to avail himself of good counsel, and the result is the Olympian victory over the older generation of gods. Yet Prometheus says virtually nothing about Zeus,⁹² and while it is clear that both his current predicament and the harshness of Zeus contrast sharply with whatever familiarity they enjoyed during the Titanomachy, uncertainty surrounds that past familiarity.

Because Prometheus' account is so personal and offers so little insight into the details of the struggle (I labor to imagine a more biased account of Zeus' accession⁹³), one is left to understand Zeus' victory by proxy. In this regard, the circumstances are fairly straightforward: victory results from the advice provided by Prometheus and his mother Gaia-*Themis* upon deserting to the Olympian faction, a figurative affiliation that is also made concrete in their resulting position alongside Zeus (*συμπαραστατέϊν*, 218). So too the means is important: the prophecy stipulates that *dolos* (and not brute force) will be essential to the victor's rule. Even if little is said about Zeus, then, one nonetheless observes a number of elements that combine

⁹² The decision to go to Zeus is Prometheus' (*κράτιστα δὴ μοι*), and only the idea of 'mutual consent' (*ἔκονθ' ἔκοντι*)—which also draws attention to Prometheus' willing participation—offers any insight into Zeus' motivation or thought-process. Prometheus is also silent on the details of the struggle.

⁹³ Prometheus' 'I' recurs throughout the account: *he* attempts to persuade the Titans of what was best (204ff.); even though the prophecies about victory were Gaia-*Themis*' (209ff.), the Titans pay no mind to *his* revelations (214); it seems best *to him* to go to Zeus (216ff.); and *by his plans* the Titans are banished to Tartaros (219ff.).

to characterize the struggle in a certain way. The Zeus who is victorious in the Titanomachy is receptive (ἐκόντι, 218)—both to deserters and to their counsel—and his actions, as a result, take on a calculated and pragmatic color. Success, after all, requires *dolos*. In contrast to the Titans, who inexplicably reject the counsel of Prometheus and Gaia-*Themis* (despite the fact that their prophetic powers were surely known to them), Zeus wisely makes use of their gifts to bolster his own enterprise.⁹⁴ I point this out because, even though Prometheus portrays himself as the key to Olympian victory, the Zeus he recalls is nevertheless different from the one hinted at by Hephaistos in the *prologos*—the Zeus who relies on henchmen like Kratos and Bia to do his dirty work.⁹⁵

The difference between the current Zeus and the one revealed by his previous actions comes into further contrast as one considers the background to the first part of the play, and in particular, how Prometheus and his mother represent a conceptual pair. For noteworthy in Prometheus' personal account is the prominent role he grants to his mother Gaia-*Themis*: it is her knowledge that is critical, and her repeated advice (οὐχ ἄπαξ μόνον, 209) that underlies his determination to obtain an audience. When the Titans reject him they reject her counsel as well, and as a consequence, he takes her with him in deserting to Zeus' side. Mother and son are closely linked.⁹⁶ Much of this dramatic background—the assimilation of Gaia and *Themis*, their affiliation with Zeus, and the victory it produces—introduces traditional

⁹⁴ Saïd (1985: 203-4) discusses the two different responses to Prometheus' prophecy as indicating not "un défait inévitable" for the Titans, but rather "à énoncer une condition et à établir un lien nécessaire entre la victoire et l'emploi de la ruse."

⁹⁵ On a very general level, it is easy to see that the Zeus of the play is different from the Zeus who came to power with *Themis* and Prometheus' assistance. For in the *prologos*, Kratos and Bia are introduced as those in whom "the command of Zeus has its fulfillment" and in whose way "there is nothing that still stands" (Κράτος Βία τε, σφῶν μὲν ἐντολῇ Διός / ἔχει τέλος δὴ κοῦδὲν ἐμποδῶν ἔτι, 12-3). Zeus' reliance on brute force, however, constitutes a rejection of the *dolos* that led to its establishment. For as has been noted, when Prometheus subsequently describes his role in the Titanomachy, he is clear that Gaia-*Themis*' prophecy stipulated that deceit and not brute force was necessary for victory (209-13).

⁹⁶ Saïd goes so far as to say that "Prométhée incarne à la fois la μῆτις et la θέμις" (1985: 192).

mythological elements into the drama; in the *Theogony*, Gaia's counsel is largely responsible for motivating the succession myth's three-generation structure. She plans the castration of Ouranos (159ff.), counsels the rescues both of Zeus from Kronos (468ff.) and of the hundred-handers (617ff.), and subsequently secures Zeus' regime by giving birth to his final foe Typhoeus (820ff.), recommending his sovereignty (881ff.), and also prophesying about the children of Metis (891ff.)—the final threat of further succession.⁹⁷ The second aspect of the hybrid Gaia-*Themis* similarly recalls Hesiod: although *Themis* plays no role in the Hesiodic succession myth, she is nonetheless a logical supplement to Gaia and the stabilization of Zeus' regime. For when Zeus takes *Themis* as his wife immediately after swallowing Metis (*Th.* 901), a conceptual link arises between Gaia, whose counsel culminates in the creation of Zeus' regime and the warning about Metis, and *Themis*, whose children by Zeus legitimize that regime as just and orderly. The conceptual closeness of the two is confirmed by the *Eumenides* prologue, where the Pythia moves from Gaia immediately to *Themis* in tracing the oracle's history.⁹⁸

But prominent though the Hesiodic account may be, *Prometheus Bound* does not employ its motifs transparently. Rather, there are also reflections of more contemporary mythography in its treatment of the rise of Zeus. For one thing, the combination of Gaia and *Themis* has even deeper significance in light of Pindar's mythological innovations in *Isthmian* 8: if, as I have already argued, *Themis*' warning to the gods about an immortal child of Thetis innovates on the Hesiodic succession-pattern and (especially) Gaia's warning about Metis, it becomes even easier—one might say obvious—for a fifth-century tragedian to collapse the two

⁹⁷ Saïd (1985: 188).

⁹⁸ *Eum.* 1-2. See pp. 139-45, (*supra*).

figures together.⁹⁹ Furthermore, for all the attention placed on the hybrid figure *Gaia-Themis*, the fact of the matter is that this hybrid is mentioned only once in the play; in all other cases the text speaks of *Themis* alone as Prometheus' mother,¹⁰⁰ and the focus accordingly lies more on her. Such privileging of *Themis* is significant: for one thing, she is not traditionally Prometheus' mother.¹⁰¹ And even if one grants the poet the liberty to innovate in genealogical matters, her literal role in the play is primarily that of a prophetess, and as we have seen, the shift towards *Themis* as an oracular figure is a fifth-century trend.¹⁰² For while Gaia has prophetic power in Hesiod, *Themis* does not, and the decision in *Prometheus Bound* to unify the two and foreground *Themis* presupposes the semantic shift affiliating her with oracular utterance.¹⁰³ Far from simply depicting the traditional *Themis* of Hesiod, whose shadow-marriage to Zeus has the effect of legitimizing his regime, *Prometheus Bound* also depicts an innovative, oracular *Themis*.

I stress *Prometheus Bound*'s departure from the Hesiodic tradition not simply because *Themis* is also a prophetess in the play—which she is not in Hesiod—but also because, as one examines the role of *Themis* in the two texts even more closely, the significance of the

⁹⁹ I will treat *Themis*' prophecy about the threat to Zeus' rule in the next section (pp. 274-6, *infra*).

¹⁰⁰ The hybridization is emphasized by Prometheus' description of *Gaia-Themis* as 'one figure with many names' (*πολλῶν ὀνομάτων μορφή μία*, 210), but elsewhere *Themis* alone is specified as his mother: see 18, 873-4. The description of earth as 'mother-of-all' (*παμμήτωρ*, 90) is not an exception, as it occurs in Prometheus' invocation of natural elements (88-91): the texts of neither West nor Page personify 'earth' here. For this reason (and for the sake of convenience), I will speak of '*Themis*' individually, but this is not to ignore her assimilation to Gaia. My focus on *Themis* warrants emphasis since priority is often given to Gaia as mother: e.g. Solmsen (1949: 130); Saïd (1985: 203); and Lloyd-Jones (2003: 52) who stresses rather that Gaia "is very significantly" Prometheus' mother.

¹⁰¹ In Hesiodic poetry, Prometheus' mother is Klymene (*Th.* 507; *Op.* 54).

¹⁰² As different characters elsewhere indicate, she is not simply a counselor (*ὀρθοβούλου*, 18), but is rather an oracle (873ff.). The focus on this capacity is further revealed in the fact that divination is amongst the gifts that Prometheus provides to mankind (484-99). I describe this as her literal role because as I will show shortly, *themis* in its traditional capacity is integral to the thematic and mythological framework of the drama.

¹⁰³ Cf. Saïd (1985: 190) who resorts to the 'previous owners' myth and *Themis*' relationship to Gaia in Athenian cult to explain the connection.

tragedy's adjustments becomes complicated. For one thing, the content of her prophecy relating to the Titanomachy raises problems, and its simplicity—guile and not force will produce the victor (212-3)—is deceptive. On the one hand, it is clear that the Titans place their trust in brute force and fail, while Zeus' success is directly traced to his willingness to avail himself of the foresight offered by Prometheus and his mother. The details of that foresight, however, are murky: it is notable that Prometheus explains neither the specific device (δόλω) which produced Zeus' success nor whether he played a role in formulating it in addition to suggesting it. But not only is it not exactly clear how Zeus defeated his rivals, but the question of *dolos* is also problematic in its own right; in the climactic battle with the Titans related by Hesiod, it is not *dolos* but force—that in which the Titans placed their trust to no avail—that determines the victor.¹⁰⁴ For as the battle heats up, Zeus unleashes his might and reveals his strength,¹⁰⁵ and subsequently, when the hundred-handers join the fray, they too are victorious by force of arms (*νικήσαντες χερσὶν ὑπερθύμους περ ἔόντας*, 719). What is more, the hundred-handers' presence in Hesiod is no accident; as was noted, the Olympians released them on the advice of Gaia, who stipulated that with them victory would be had (626ff.). The implication, which is admittedly never made explicit in the *Theogony*, is that Gaia suggested an alliance with the hundred-handers in the knowledge that overwhelming force of arms would decide the Titanomachy.¹⁰⁶ Whether such a prophecy is implied or not, however, the contrast with *Prometheus Bound* is clear: no matter the extent to which Gaia-*Themis* invokes a Hesiodic framework, her prophecy marks a sharp departure that is further underlined by

¹⁰⁴ Cf. Detienne & Vernant (1974: 61-103), who interpret the victory in Hesiod as one of *metis*.

¹⁰⁵ οὐδ' ἄρ' ἔτι Ζεὺς ἴσχευ ἐὼν μένος, ἀλλὰ νυ τοῦ γε / εἶθαρ μὲν μένεος πλήντο φρένες, ἐκ δέ τε πάσαν / φαῖνε βίην (*Th.* 687-9). The narrator likens the effects of his assault to the collision of heaven and earth (700ff.). See further Saïd (1982: 82-3).

¹⁰⁶ Conacher (1980: 7-8) assumes the alliance as well.

Prometheus' failure to detail the nature of the *dolos*. On closer examination, it is actually quite unclear in *Prometheus Bound* how Zeus came to power.¹⁰⁷

Despite the uncertainty, further comparison with Hesiod mitigates the vagueness of the deceit. In the *Theogony*, the castration of Ouranos is presented as a *dolos* (*Th.* 160, 175), as is the ruse by means of which Kronos vomits forth his children (*δολωθείς*, 494). The term appears particularly appropriate to the succession-pattern, especially the ideas of ingestion and purgation—even if it is wholly unclear what form the ruse took in the case of Kronos. All of a sudden, the lack of specification surrounding the *dolos* in *Prometheus Bound* appears part of a larger pattern. A later reference to *dolos* in the *Theogony* pushes the term's affiliations even further: by means of some deception (*δόλω φρένας ἔξαπατήσας*, 889), Zeus heeds Gaia's warning and swallows Metis, thereby averting the threat of further succession that she potentially poses. Once again the specific nature of the deception is unclear,¹⁰⁸ but since the ingestion of Metis recalls the deception which caused Kronos to disgorge his children, the episode makes sense in light of the motifs of ingestion and purgation.¹⁰⁹ Nevertheless, such affiliations—apart from their general role in the myth's framework—are confusing in the context of the Titanomachy and *Prometheus Bound*:¹¹⁰ Zeus does not win by eating the Titans!

¹⁰⁷ Conacher (1980: 9) agrees that “no simple contrast can be made between the brute force of Zeus' victory in the *Theogony* and the victory by guile related by Prometheus in *Prometheus Bound*”. The audience would not have been overly troubled at the gap: Zeus still comes to power, and what is more, that Prometheus suggests *dolos* is unsurprising in light of his role in Hesiod. For in the space of the thirty lines involving Prometheus' attempted deception of Zeus (535-565), words in *dol-* appear six times (by contrast, the root only appears eleven times in the whole work). On inaccurate and unclear prophecy in tragedy, see Scodel (1999: 120-33).

¹⁰⁸ West (1966: *ad* 889) suggests that Metis transformed herself into water and Zeus swallowed her, but that suggestion implies that the deception is hers, not Zeus'.

¹⁰⁹ Saïd (1985: 216-7) notes the parallel phrasing *ἐὶν ἐκκάτθετο νηδύν* (487=890), but fails to notice the role of *dolos* in the two episodes.

¹¹⁰ Saïd (1985: 202-3) notes that in Hesiod, the defeat of Kronos (453-506) and the Titanomachy (617-721) are structurally distinct; they are separated by the Prometheus myth (507-616).

So while *dolos* is appropriate to the traditional character of Prometheus,¹¹¹ and (as we can see) is also appropriate to the succession myth he describes, in the context of the Titanomachy, not much is certain. There is a gap between Prometheus' claim that his counsel led to the Titans being interred in Tartaros,¹¹² and the *Theogony*, in which that same internment is the result of the hundred-handers' violent assault (713ff.). There is no clear answer for the case of *Prometheus Bound*: given the context of the open warfare the Titanomachy presumably involved, I suspect that *dolos* in *Prometheus Bound* implies some sort of military strategy, perhaps one with resonance for the contemporary audience.¹¹³ But comparison with Hesiod reveals that the *dolos* need not take one specific form, and given its appearances in the succession-tradition, no elaboration was presumably necessary—even if the drama departs from the tradition in other respects.

iii. Timê, Themis, and Zeus' regime

In addition to the literal function that *Themis* serves in assisting in Zeus' rise to power and the way the goddess appears in her traditional aspect,¹¹⁴ the dissolution of Prometheus'

¹¹¹ Famously, the two Prometheus myths in Hesiod are slightly different, but consistent in both is the role of deceit: *dolos* is prominent in the trick at Mekone (*Th.* 540-60), and so too at *Op.* 48 is Zeus' anger the result of Prometheus' deceit (ἐξαπάτησε). Pandora, whose creation was commanded by Zeus as a punishment, is also appropriately labeled a trap: δόλον αἰπὺν ἀμήχανον (*Th.* 589=*Op.* 83). Conacher (1980: 8) interprets the myth in these terms: "Thus Prometheus, both the purveyor of Gaia's message and the epitome, as it were, of guile (δόλος), becomes the new ally of Zeus by which he defeats the Titans, and so replaces 'the Hundred-Armers' of the original prophecy."

¹¹² ἐμαῖς δὲ βουλαῖς Ταρτάρου μελαμβαθῆς / κευθμῶν καλύπτει τὸν παλαιγενῆ Κρόνον / αὐτοῖσι συμμάχοισι. (219-21). This is as close as one can get to *dolos*' connection to a 'repression' suggestive of ingestion.

¹¹³ While overwhelming force of numbers is certainly appropriate to the Persian invasions, so too is the use of deceit in taking cities (*Hdt.* iii.152-8; vi.100-1). The latter possibility is intriguing; the use of traitors is, in a nutshell, Zeus' means of victory in the Titanomachy recalled by Prometheus. In that light, the Titans' refusal of Prometheus' advice and his subsequent desertion to the Olympian side take on a potentially deeper significance. One can go too far in this line of reasoning, however: Baglio (1952) for example, interprets Zeus straightforwardly as an allegory for Xerxes. Cf. the criticisms of Podlecki (1966: 111-14).

¹¹⁴ Corsano notes this as well, but politicizes the figure of *Themis*, arguing that she represents "una realtà politico-giuridica antecedente all tirannide" (1988: 66).

relationship with Zeus also invokes traditional *themis* in more figurative terms. Prometheus' offense—the theft of fire—and his punishment are both described in the language of *timê*,¹¹⁵ which recalls the Hesiodic version of Zeus' succession, characterized by the distribution of honors amongst all divinities (*Th.* 392-6, 885). In Hesiod, this arrangement is described as *themis* (*Th.* 396), and so too in the drama does the son of *Themis* take great personal interest in the establishment of an ordered divine society. When Zeus fails to include mankind in his distribution, however, the relationship collapses, with the consequence that while Zeus' accession is characterized as occurring in accordance with *themis*, the present state of his regime is in conflict with its prescriptions.

The manner in which Prometheus describes the breakdown of his relationship with Zeus reveals how closely he identified himself with his colleague's regime.¹¹⁶ Important in this respect is their former status as *philoî*: when Prometheus laments in general terms the “tyrants' illness” of not trusting their friends (ἔνεστι... τοῦτο τῇ τυραννίδι / νόσημα, 224-5), it is clear that he has his own predicament primarily in mind. For as he subsequently exhorts Okeanos: “behold the spectacle, this ‘friend’ of Zeus’, the one who joined in establishing his tyranny” (δέρκου θέαμα, τόνδε τὸν Διὸς φίλον / τὸν ξυγκαταστήσαντα τὴν τυραννίδα, 304-5). Prometheus feels wronged not simply because whatever friendship they enjoyed is now lost, but also because of the service he provided Zeus on which that friendship was based: the participle *ξυγκαταστήσαντα* recalls his previous description of assisting Zeus (*κυμπαραστατεῖν*, 218),¹¹⁷ and it is clear that not only does he understand the backing he and his mother

¹¹⁵ So also White (2001: 114)

¹¹⁶ As in his account of the Titanomachy, Prometheus' description of his falling out with Zeus is intensely personal.

¹¹⁷ Note that the participle describes both himself and Gaia-*Themis*: their role, as was noted, is a joint one.

provided as constituting a bond of *philia*, but that they are also accordingly invested in the regime which they established together.

One cannot understate Prometheus' close investment in Zeus' regime, and particularly the manner in which he shares not only in its formation, but also in its initial agenda: in some sense, it also appears as Prometheus' regime. Consider two parallel passages in which he discusses the first stages of the regime. On the one hand, Prometheus describes how Zeus stabilized his regime upon taking power:

ὅπως τάχιστα τὸν πατρῶον εἰς θρόνον
καθέζετ', εὐθὺς δαίμοσιν νέμει γέρα
ἄλλοισιν ἄλλα, καὶ διεστοιχίζετο
ἀρχήν (228-31).

For as soon as he was sitting in his ancestral throne, he immediately began distributing honors amongst the other gods and regulating his rule.

As was noted, the apportionment of honors upon accession is a traditional element of the myth.¹¹⁸ Later in the play, however, Prometheus describes much the same events, but speaks as though the distributive action was his:

καίτοι θεοῖσι τοῖς νέοις τούτοις γέρα
τίς ἄλλος ἢ γὰρ παντελῶς διώριεν; (439-40)

Yet who else but I completely determined the honors for these new gods?

The discrepancy between the accounts is troubling—even in light of Prometheus' tendency to overstate his role in Zeus' victory. For no matter what kind of assistance he provided in the struggle for power, that he would subsequently play an executive role in the regime is a bit surprising.¹¹⁹ But Prometheus' claim to distribute honors is particularly significant in light of Hesiod, where Zeus enlists support for his cause by promising the other gods *timai*: as was

¹¹⁸ See *Th.* 392-6, 885.

¹¹⁹ Griffith (1983: *ad* 439-40) argues that “There need be no contradiction, if we see P. as being at that time Zeus' assistant and friend.”

noted, the poet goes so far as to describe this arrangement as *themis* (*Th.* 392-6). It is essential to Zeus' organization of the cosmos in Hesiod that the other divinities all have their own roles and honors, and this organization is not only labeled *themis*, but also made subsequently manifest in Zeus' marriage to personified *Themis*.¹²⁰ That the tragic Prometheus claims to have distributed honors is revealing: if the distribution itself is traditionally *themis*, then he, as the son of *Themis*, is an appropriate figure to recommend or enact it. In *Prometheus Bound*, in other words, *themis* is still figuratively linked with the initial organization of Zeus' rule.

Yet in light of the figurative role of *themis* in the formation of Zeus' rule, Prometheus' dispute with Zeus has consequences for the status of the regime; by implication, Zeus' antagonism towards Prometheus involves *themis* as well. As in the establishment of Zeus' power, the subsequent quarrel revolves around the matter of honors, and once more, Prometheus' personal investment in the situation is at issue. In his first discussion of the matter, Prometheus explains how Zeus, after attending to the gods' honors, took no notice of mankind:

βροτῶν δὲ τῶν τάλαιπῶρων λόγον
οὐκ ἔσχευ οὐδεν', ἀλλ' αἰκτώσας γένος
τὸ πᾶν ἔχρηξεν ἄλλο φιλῦσαι νέον (231-3).

He placed no value at all on miserable mankind, but wanted to annihilate them and beget an entirely new race.

It is this threat of annihilation that prompts Prometheus to intervene,¹²¹ but especially noteworthy is the form his intervention takes. Comparison with a later passage reveals the

¹²⁰ Corsano (1988: 31-40).

¹²¹ I draw attention to the stress placed on Prometheus' philanthropy (10-1; 28), especially in Hephaistos' explanation of his punishment—"I am affixing you to this crag far from mankind, where you will perceive neither the voice nor the appearance of any mortal" (*προσπασσαλεύσω τῷδ' ἀπανθρώπῳ πάγω, / ἴν' οὔτε φωνήν οὔτέ του μορφὴν βροτῶν / ὄψῃ*, 20-2). While other aspects of Prometheus' punishment are better known, Hephaistos stresses the separation of mankind from their titanic benefactor. I point this out given the arguments of previous chapters, in which *Themis* is associated with the ontological separation of mankind and divinity (pp. 196-8, *supra*). *Prometheus*

details: when Prometheus subsequently claims to have distributed honors personally (439-40), he similarly proceeds from a reference to divine honors to a discussion both of the sufferings of mankind and of his intervention:

*τὰν βροτοῖς δὲ πῆματα
ἀκούσαθ', ὡς εἶπας νηπίους ὄντας τὸ πρὶν
ἔννοους ἔθηκα καὶ φρενῶν ἐπηβόλους (442-4).*

Listen now to the hardships of mortals, how I rendered them—previously only infants—intelligent and capable of thought.

What follows is the long list of the gifts and arts endowed on mankind by Prometheus (439-506). The structures of the two accounts run parallel to one another. In the first case, upon claiming the ancestral throne, Zeus divided honors amongst the gods (228-31) and sought to destroy mankind (231-3), in response to which Prometheus intervened (234-6). In the second, Prometheus claims to have distributed the honors himself (439-40) and then invokes the hardship of mortals (441-3) before listing in detail the gifts that he provided via his intervention (443-506). In both cases, references to mankind's suffering and Prometheus' intervention follow closely on the mention of divine honors.

As soon as one considers the nature of Prometheus' offense, it is clear why discussion of his intervention follows immediately on the issue of divine honors. For by stealing fire and providing it to mankind,¹²² Prometheus has in some sense offended against Zeus' distribution of honors: fire is Hephaistos' (*τὸ δὸν... ἄνθος*, 7; *τὸ δὸν... γέρας*, 38). The intervention is a protest of sorts against Zeus' order. But not only is the theft an offence against the order of

Bound is noteworthy in its lack of adherence to this traditional aspect of the term. The stress on Prometheus' isolation, however, also foreshadows his rescue at Herakles' hands: it is precisely the appearance of a mortal on the scene that will bring about his liberation.

¹²² Initially, Prometheus is somewhat vague: *ἐξελυκάμην βροτούς / τὸ μὴ διαρραϊθέντας εἰς Ἅιδου μολεῖν* ("I rescued mortals from going to Hades in utter destruction," 235-6), but even if, as Griffin notes (1983: *ad* 235-6), the theft of fire is shortly mentioned at 252, the same theft is already clear from the *prologos* (7-8), and Prometheus' opening monologue (109-11).

divine honors, but it also has consequences for mortals that similarly invoke the issue of honors: as Kratos describes it, fire is also called *παντέχνου* (7) and Prometheus himself recognizes that it was the means by which mortals mastered the crafts he bestowed on them.¹²³ The implication is that fire and the discoveries to which it leads are substitutes for the ‘honors’ of humanity denied to them by Zeus.¹²⁴ Nor does the language of *timê* end with the theft and mortals’ discoveries: even Prometheus’ punishment is described in these terms.¹²⁵ The whole scenario of Prometheus’ crime and punishment is framed as an issue of honors: the dispute arises immediately after the distribution of honors amongst the gods, when Zeus turns to the treatment of mankind.

I bring up Prometheus and *Themis*’ involvement in the allocation of divine honors not simply because it is appropriate on the basis of the Hesiodic paradigm, but because it also questions the nature of the regime as it stands in the dramatic present. For if the distribution of honors amongst the gods invokes Hesiod, and if Prometheus’ involvement particularly reflects the Hesiodic assertion that the distribution is consistent with *themis*, then both the quarrel over mankind which follows and Prometheus’ rebellion suggest that Zeus’ affiliation with *themis* has been interrupted. The Zeus of *Prometheus Bound* is not the guarantor of cosmic order that he appears to be in Hesiod, but rather the tyrant he is repeatedly described as in the play—a figure of authority whose ‘new laws’ (*νεοχμοῖς νόμοις*, 150) somehow divorce

¹²³ Prometheus calls fire the *διδάσκαλος τέχνης* (110), and later, that *ἀφ’ οὗ γε πολλὰς ἐκμαθήσονται τέχνας* (254). The list at 439ff. elaborates the skills arising from fire, which Prometheus accordingly considers his gifts to mankind.

¹²⁴ So Hephaistos himself explains to Prometheus that he gave honors to mankind he ought not to have: *βροτοῖσι τιμὰς ὄπασας πέρα δίκης* (30): see also 82-3; 107-8; 944-6.

¹²⁵ “The tyrant of the gods has repaid me with these loathsome *timai* for my assistance” (*ὁ τῶν θεῶν τύραννος ὠφελημένος / κακῆσι τιμαῖς ταῖςδέ μ’ ἐξημείψατο*, 222-3). Some manuscripts admittedly read *ποιναῖς* for *τιμαῖς*, but cf. the use of *timê* at 406-410. On the idea of Prometheus’ punishment as a perverted compensation, see also 976.

him from order.¹²⁶ After all, Hephaistos himself laments the task he is required to undertake, wishing that another had been appointed his office, and one suspects that he—as much as Prometheus—is being compelled against his will by Kratos and Bia. This is not a cosmic order in which all divinities are content with their particular offices: as Kratos puts it, “every task except ruling over the gods is a chore: none but Zeus is free” (ἅπαντ’ ἐπαχθῆ πλὴν θεοῖσι κοιρανεῖν / ἐλεύθερος γὰρ οὔτις πλὴν Διός, 49-50).¹²⁷

I have to this point been primarily concerned with the way that *themis* in its traditional force plays a literal role in the mythological background to the drama and a more figurative role in the play itself. But *themis* is not simply the principle of order in the tragedy that its traditional semantic range indicates; already in Prometheus’ biased account of the Titanomachy, the prophecy of his mother Gaia-*Themis* is the key to the Olympians’ victory (209-13). So too does Prometheus make a point of specifying that the prophecy he delivers to Io in the latter portion of the tragedy derives ultimately from his mother *Themis* (873-6). This latter prophecy is important because of its contents: while Prometheus concludes with his eventual release at Herakles’ hands (869-73), the impetus for the revelation is Io’s interest in the downfall of Zeus (755ff.).¹²⁸

Ιω. πρὸς τοῦ τύραννα κήπτρα κυληθήσεται;
 Πρ. πρὸς αὐτὸς αὐτοῦ κενοφρόνων βουλευμάτων.
 Ιω. ποίω τρόπῳ; κήμηρον, εἰ μή τις βλάβη.
 Πρ. γαμεί γάμον τοιοῦτον, ὧ ποτ’ ἀσχαλᾶ.
 Ιω. θέορτον, ἢ βρότειον; εἰ ῥητόν, φράσον.
 Πρ. τί δ’ ὄντιν; οὐ γὰρ ῥητόν αὐδᾶσθαι τόδε.
 Ιω. ἦ πρὸς δάμαρτος ἐξανίσταται θρόνων;

¹²⁶ Thomson (1929: 3-5; 1932: 6ff.) compares the descriptions of Zeus with those of historical tyrants.

¹²⁷ The exchange is striking: after Hephaistos laments his wretched handicraft (χειρωναξία, 45) Kratos retorts that this τέχνη is not the author of Prometheus’ struggles (46-7), which leads Hephaistos to wish that another had been allotted it (48).

¹²⁸ I will treat this exchange, and the way in which Prometheus’ prophecy shifts from describing the son of Zeus who will overthrow him to the descendent of Io who release him, in a separate study.

Πρ. ἡ τέξεταί γε παῖδα φέρτερον πατρός. (761-8)

Io. By whom will Zeus be stripped of the scepter of his tyranny?

Pr. He'll do it himself, with his own empty-headed plans.

Io. How? Tell me, unless there's some harm in doing so.

Pr. He has a marriage of the sort that at some point brings grief.

Io. Divine or mortal? Tell me, if you may.

Pr. Why say which one? This may not be uttered.

Io. Then by a wife he is removed from his seat of power?

Pr. One who will produce a child mightier than his father.¹²⁹

The vague details in the prophecy—a marriage with potentially dangerous offspring as its product—invokes the succession myth familiar from Hesiod, and specifically, the prophecy preserved in Pindar's eighth *Isthmian*.¹³⁰ For when he subsequent reiterates the gist of the prophecy (907-27), Prometheus discloses how the child will shatter even Poseidon's trident (924-5), a reference that appears to recall the otherwise anomalous role of Poseidon in Pindar's myth.¹³¹ That *Themis* appears to be the source of the prophecy further underlies the connection to Pindar.¹³²

The implications of this latter prophecy further underline the instability of Zeus' regime, albeit from a different perspective than *themis* (in its traditional force) did in its figurative role in the play's mythological background. For by basing a prophecy concerning Zeus' future downfall in *Themis*, the play suggests not simply that the regime in its current form lacks order, but warns as well that it will not last. For after Io's departure, Prometheus reiterates the gist of the prophecy (907-27), which leads to Hermes' appearance at the

¹²⁹ *Contra* West, I follow Griffith (1983: ad 764) in preserving the manuscripts' unanimous ἀχαλᾶ (764).

¹³⁰ It has regularly been assumed that *Prometheus Bound* corroborates Pindar's version and reveals a longer tradition for this myth: see Slatkin (1991: 74-6). As should already be clear, I am skeptical about the assumption that the myth is 'traditional.'

¹³¹ For the problems with Pindar's mention of Poseidon, see pp. 204, n. 91 (*supra*). Griffith (1983: ad 924-5) asserts the point of contact with Pindar.

¹³² Strictly, speaking she is named as the source of the prophecy concerning Io's future (873-6), but this prophecy arises out of Io's concern for the downfall of Zeus. Considering the closeness of mother and son, not to mention *Themis*' explicit role here as well as in predicting the means of victory in the Titanomachy (209-13), it is reasonable to assume that she similarly underlies this prediction.

conclusion of the play. Zeus is understandably concerned with the implications of Prometheus' words, and seeks the full revelation of the secret. *Themis'* role as the source of the prophecy lends it considerable gravity. The two perspectives provided by *themis'* two semantic fields, in other words, depict the crisis in different terms, but combine to present it as a stark reality: the regime lacks order (*themis*) on the one hand, but it is also *themis* that predicts its demise. Two complementary alternatives appear: the regime is doomed to fail because it lacks *themis* and because *themis* predicts its downfall. These are separate analyses of the situation, and the severity of the regime's distance from *themis* (*qua* order) comes into focus as *Themis* (*qua* prophet) outlines its termination.

e. Conclusion

While Aeschylean tragedy does not invoke the principle of *themis* or depict personified *Themis* with a great deal of frequency, the few appearances of the term share certain problematic features. For across Aeschylean tragedy, it regularly happens that what *themis* denotes is (at best) unclear, and (at worst) downright paradoxical. For the most part, the problems arise in consideration of the term's traditional semantic affiliation with order. Although its traditional force—even in epic—applied to a wide variety of circumstances and contexts ranging from human interpersonal relationships to the order of the cosmos, in Aeschylus *themis* can no longer contain so broad a variety of applications.

In *Suppliants* the term serves as an unmarked rhetorical battering ram, and shifts to imply not only a variety of legal, ethical or ritual principles but also a retributive punishment for a violation of these principles. The slipperiness of the term extends to other plays, but emerges with particular problematic force in the context of kin-killing that dominates *Seven Against Thebes* and the *Oresteia* trilogy. For even though Eteokles resigns himself to the divine anger towards his family and chooses to make himself an agent of that order in facing his

brother in battle, the fratricide it threatens is, at the same time, also a violation of religious norms. *Themis* ought to describe both concepts of order—the larger principle ordering the cosmos and the particular one operating at the level of human society—but in Eteokles' case it cannot do both. So too in the *Oresteia* is *themis*' relationship to kin-killing problematic. Agamemnon rationalizes the desire to sacrifice Iphigeneia as being consistent with *themis*, all the while ignoring the obligation he owes her as his daughter. The idea that *themis* would support the sacrifice is so problematic that an editor of no less preeminence than Martin West emends the text to invert the transmitted meaning—preventing *themis* from being stained with the implication that it approves of a father sacrificing his daughter. But the problematic force of the term is, if not appropriate to the public context of the dilemma and the rhetorical norms of that context, then at least consistent with them. Nevertheless, the crisis that this usage reveals becomes a theme for the trilogy, as Clytemnestra subsequently justifies her act of retributive viricide as fulfilling the *themis* of her oaths. It is not until *Eumenides* that *themis* is taken up amongst the gods and a new judicial order is instituted to balance conflicting claims about *themis* with one another. Ironically, this 'new' court system bears a striking resemblance to the judicial system in epic poetry, inviting the question of whether it is, in fact, 'new' or, for that matter, a solution at all.

Prometheus Bound similarly takes up the issue of *themis* at the divine level, but the crisis it portrays is of a markedly different kind. For *themis* appears in its traditional guise as a principle of order, and the play takes great effort to portray the background to Zeus' regime and his conflict with Prometheus in terms of *themis* and its traditional force. But from the perspective of the dramatic present, Zeus' regime has lost its affiliation with *themis*, a fact which becomes all the more problematic in light of the oracular aspect of personified *Themis*, to which the drama also draws considerable attention. For if the regime's distance from the

traditional idea of *themis* (*qua* abstract order) portrays it in an unflattering way, the fact that oracular *Themis* predicts the downfall of that regime reveals all too vividly its instability and susceptibility to further threat. The play ends on this note: Hermes appears to coerce the full revelation of the threat from Prometheus, whose stubborn resistance leads to his further internment. At its conclusion, the regime of Zeus stands on a precipice described by the two aspects of *themis*: his current regime lacks the order and stability of *themis*, and its instability is further revealed by the fact that *Themis*, moreover, also predicts its future downfall. The two disparate semantic ranges of the term combine to describe not a perfected and smoothly functioning cosmic order, but rather one whose crisis is vivid and problematic.

Chapter 6

Sophocles and the new *themis*

a. Introduction

The crisis of *themis* revealed by Aeschylean tragedy sets the stage for the final discussion of this study, namely, Sophocles' insight into the relationship between *themis*' disparate semantic fields. In the later plays of Sophocles—*Electra*,¹ *Oedipus at Colonus*, but especially *Philoctetes*—*themis* does not appear simply in its traditional or oracular guise, but rather carries the force of both uses simultaneously: when characters speak of *themis*, they denote an oracular utterance whose contents simultaneously reflect the appropriate action for a given situation. Neoptolemos ultimately affirms that it is not *themis* to go to Troy without Philoctetes (*Ph.* 812), Oedipus asserts that it is not *themis* for him to take up Theseus' invitation home (*OC* 644), and—with similar implications—Electra insists that it is not *themis* for Chrysothemis to bear Clytemnestra's gift-offerings (*El.* 432ff.). In Sophocles, the two semantic fields collide: Neoptolemos refuses to abandon a suppliant and friend who is also fated to take Troy; Oedipus refuses to pollute Theseus' home by leaving his fated resting place; and Electra cannot allow Clytemnestra to placate the spirit of the husband she murdered and escape divinely sanctioned vengeance.

¹ The date of *Electra* is admittedly a topic of some debate, but I consider it likely that the agonistic and pedagogical themes of the play point to a date in the last decades of the fifth century—late, certainly, for Sophocles' career. For a survey of the problems with dating, see Finglass (2007: 1-4). Although references to *themis* also appear in *Trachiniae*, *Antigone*, and *Oedipus Tyrannos*, I will not be discussing these plays.

The significance of Sophocles' reinterpretation of the term is clear in light of the problems raised by Aeschylean tragedy. For there, we should remember, *themis* in its traditional guise appeared divided against itself, where its implications were (at best) unclear, or where (at worst) characters struggled with impossible choices—choices which adhered to *themis* from one perspective, but which violated it from another. A further wrinkle appeared in *Prometheus Bound*, where the rise of Zeus and the future of his regime are each framed in terms of *themis*. Sophocles does not downplay the problems presented by claims about *themis*, but resolves them in the situations they describe. For while the paradox of Aeschylean tragedy is that characters are unable to adhere to the dictates of *themis* without violating them, in Sophocles it is rather the case that adhering to *themis* involves a twofold recognition: what is *themis* from the perspective of human ethical norms regularly coincides with the dictates of divine necessity. As the late Charles Segal put it, in describing the end of *Philoctetes* and *Oedipus at Colonus*, “it is a statement about the saving power of tragedy: its ability... to bring lost or absent divinity back to the human world.”¹ Such power is encapsulated by the implications of *themis*.

b. Sophoclean *themis*: *Philoctetes*

i. Introduction

Philoctetes is the most important of the Sophoclean plays for my purposes, and my discussion of it will accordingly comprise the bulk of the following chapter. The tragedy occupies a position of prominence in my study because of the unique role that *themis* plays in the drama. In short, the play is indispensable for a consideration of *themis* in Greek literature. For unlike other texts (whose uses of *themis* this study has subjected to a degree of analysis

¹ Segal (1981: 339).

that is perhaps disproportionate to the individual uses' prominence), the idea of *themis* and its significance are thematized over the course of the play and integral to the dramatic framework. Of crucial importance is the figure of Neoptolemos; as many scholars have recognized, the play is bound up with his maturation, from blindly adhering to the tutelage of Odysseus at the start of the play to becoming an autonomous ethical agent by its end.² My discussion of *themis* supplements such treatments of the play, advancing their observations to a new level of insight. For as Neoptolemos matures, so too do both the implications of *themis* and his understanding of them shift from denoting the divine impulse towards the fall of Troy (at the start of the play) towards its more traditional semantic range as a principle of order and right (by the middle of the play), and their coherence by play's end. Neoptolemos' maturation and ultimate recognition of the divine machinery at work, in other words, can be mapped according to his uses of *themis*.

The following argument about *Philoctetes* has three principal threads, structured roughly around the three appearances of *themis* in the play. In the first, I trace the thematic framework underpinning Neoptolemos' ethical maturation, and outline in particular the way in which the play draws attention both to the manipulation of *logoi* and to the different kinds of sensory observation as indicative of character.³ Neoptolemos is, above all, a visual creature, but is also naïve and relies on others for guidance and instruction. The first use of *themis* in the play reflects this naïveté; Neoptolemos has been told by Odysseus and Phoenix that it would not be *themis* for anyone other than him to take Troy, and in the first portion of the

² The bibliography pertaining to this development is vast. See, for example, Bellinger (1939: 11); Reinhardt (1979: 162-92); Easterling (1983: 224); Taplin (1987); Blundell (1988; 1989); Hawkins (1999).

³ On sensory matters, Inoue (1979) treats sight and sound, but does so primarily in terms of a textual issue at line 29; more recently, Clarke Kosak (1999) has studied touch. Lada-Richards' account of seeing (1997) is in ritual terms.

play, it is clear that he interprets *themis* as describing his fated role. The second thread of the argument turns to his maturation: despite his desire to capture the bow (as the prerequisite for success at Troy), as he observes and interacts with Philoctetes he begins to forge a relationship with the man. The result is a paradox of sorts: despite being the mouthpiece of Odysseus' ruse, throughout the play Neoptolemos struggles to express himself before Philoctetes, and he increasingly shows signs of hesitation even in the midst of deceiving Philoctetes. His attitude is in flux, and so too are the implications of *themis*: when he catches sight of the bow, Neoptolemos asks permission to hold it, but only on the condition that it is *themis* for him to do so. His deference to Philoctetes is significant; from the perspective of the deceit and his fated role at Troy, his possession of the bow is certainly *themis*, but in light of the bond between them and the bow's history as a token of genuine friendship, Neoptolemos has begun to suspect that *themis* may, in fact, prohibit him from handling it. The disparate semantic fields of *themis* as denoting divine necessity and ethical propriety come into conflict.

The final portion of the discussion of *Philoctetes* turns to the last portion of the play, where Neoptolemos continues to waver between his obligations to Philoctetes and his commitment to the deception. All of the themes surrounding Neoptolemos' ethical maturation—his naïveté, discomfort with expressing himself, the bond with Philoctetes, and (above all) the uncertainty surrounding the demands of *themis*—are brought full circle and resolved: Neoptolemos has new, independent insight into the prophecy surrounding the fall of Troy, which follows immediately upon the commitment he makes to Philoctetes in the third and final appearance of *themis* in the play. He will still waver slightly on account of his allegiance to Odysseus, but this is but a momentary lapse before he returns the bow to Philoctetes, admits the deception, and transparently attempts to convince him to head to Troy. When Philoctetes proves resistant, however, Neoptolemos makes the crucial decision to

choose friendship over success at Troy, and it requires the appearance of Herakles *ex machina* to set the play back on track at its conclusion.

The commitment that Neoptolemos makes to Philoctetes and the play's resolution *ex machina* reveals a new, uniquely Sophoclean connotations of *themis*' semantic range. For instead of simply describing what is normal or right (as its traditional force does), *themis* in the play also describes oracular utterance, thereby invoking the term's more novel semantic range as well. Sophocles reveals that the two semantic ranges of ultimately coincide, and *Philoctetes* demonstrates in stages how they come together. The argument about Neoptolemos' ethical development is essential to the analysis of *themis*; over the course of his maturation, Neoptolemos' understanding of what is *themis* changes. Initially it appears to describe the necessity of Troy's fall (343-7), but subsequently the more traditional connotations of propriety (660-2). The force of *themis*' traditional meaning persists, and when Neoptolemos speaks of *themis* for the third and final time (812), he makes a commitment to Philoctetes that reflects both the term's ethical and prophetic connotations. For not only is it not *themis* for him to abandon a friend in need, but at the same time, he now recognizes that it is also necessary—for the purposes of the prophecy concerning Troy—to bring Philoctetes with him. It takes the appearance of Herakles at the play's conclusion to convince Philoctetes to consent, but the *deus ex machina* asserts nothing more than the same mixture of obligation to one's friends and divine necessity that Neoptolemos has already recognized for himself. By enduring in his obligation to Philoctetes, Neoptolemos makes it possible to fulfill divine necessity, and the play shows that the disparate semantic fields of *themis* are consistent with one another.

ii. **Character, Sense-Perception and the First Use of themis**

From the start of the play, *logoi* and the ethics of their manipulation are central thematic planks.⁴ Philoctetes must be taken by a *dolos* consisting of *logoi*,⁵ and Odysseus—above all others—is the appropriate figure to initiate such a plan. He has a capacity for words,⁶ and his is the voice of authority:⁷ while Neoptolemos’ task is to follow orders (15) and to listen (24, 52-3), the plan for taking Philoctetes is Odysseus’. But despite his subservience to the elder figure, Neoptolemos finds that the deception raises an immediate ethical concern: he is skeptical about involving himself in base actions (86-95, 108), and it is only after Odysseus asserts his belief in the power of language (96-9) and tells him that he can take Troy only with Philoctetes’ bow (113-6) that he consents to the mission (120).⁸ From the prologue, one glimpses how important the deceptive power of communication will be both for the plot, and for the ethics of the play as well.⁹ But so too will Neoptolemos’ reluctance persist, as we will see, despite his initial acquiescence.¹⁰

⁴ As Podlecki (1966a: 233) puts it, Philoctetes is “a case-study in the failure of communication.” On this theme more generally, see Segal (1981: 333-40).

⁵ The nature of the *dolos* emerges gradually: at 54ff. the plan consists primarily of *logoi* [λόγοισιν... λέγων (55), λέγειν (57), λέγων (64)], but when Neoptolemos characterizes his task as the telling of lies, Odysseus recharacterizes it as *dolos* (100-1). Force and persuasion will fail (103).

⁶ Philoctetes identifies Odysseus with *logos* (407-9, 628-30, 633-4, 991) and he is elsewhere prominent by virtue of his speaking abilities (595-6, 607-16, 1047ff., 1244, 1257-8).

⁷ See 24-6, 49, 53ff., 86-7, 100-1, 107. Segal (1981: 329-30) discusses Odysseus’ authority as subsequently revealed in the play.

⁸ I will treat the thorny matter of the prophecies surrounding Philoctetes and his bow in the next section.

⁹ That Odysseus is focused largely on the intended outcome of the deception—namely, getting Philoctetes to Troy—at the expense of moral conscience has given rise to the tradition of scholarship which views his characterization as that of a sophist [i.e. Blundell (1997), cf. Stephens (1995)]. I am not so much concerned with the question concerning Odysseus’ character: following the prologue, he disappears until line 974, though his influence continues to be felt.

¹⁰ Odysseus is conspicuous for his failure to use the term *philos*, and his lack of concern for Philoctetes, is also noted by Hawkins (1999: 346), who goes to great lengths to demonstrate Neoptolemos’ natural concern for the individual. She shows that while Odysseus’ response to the prologue’s initial question of ‘where is Philoctetes?’ is practical and dispassionate, Neoptolemos’ answer to this question acknowledges Philoctetes’ suffering and pain. Cf. Bellinger (1939: 6).

Odysseus' belief in the power of language is particularly appropriate to the prey he intends to capture; the defining characteristic of Philoctetes' isolation (beyond his affliction) is his reliance on aural perception.¹¹ While his unfailing arrows allow him to sustain himself on whatever prey he can catch a glimpse of, his decade-long exile has prevented him from participating in human society, and as a consequence, his social existence—that is, his relationship to the world beyond Lemnos—is limited to the occasional secondhand report. He knows the outside world only through what he hears. Thus, when Philoctetes finally appears onstage, it is unsurprising that sound is particularly important to him:¹² although he suspects his visitors' ethnicity to be Greek on the basis of their garb, he is more interested in confirming this suspicion on the basis of their speech (223-5). He expresses his desire to hear them (*φωνῆς δ' ἀκούσαι βούλομαι*, 225), and when he receives no response he utters two imperatives in frustration (*φωνήσατ'... ἀλλ' ἀνταμείψασθ'*, 229-230). When Neoptolemos finally opens his mouth, Philoctetes' cry of joy similarly draws attention to the aural (*ὦ φίλτατον φώνημα· φεῦ τὸ καὶ λαβεῖν πρόσφθεγμα*, 234-5). The suspicion that Philoctetes is primarily an aural perceiver is further stressed when he subsequently reveals a highly acute sense of hearing; not once, but twice he identifies Odysseus solely by the sound of his voice (976, 1295-6),¹³ despite not having heard (or seen) the man in nearly ten years.¹⁴ This capacity

¹¹ Odysseus justifies Philoctetes' exile by referring to the Greek army's need to rid itself of Philoctetes' agonized *dusphēmia* (8-11). The parodos reinforces the persistence of this image; the second strophe and antistrophe, which are dominated by images of Philoctetes' isolation (170-2 183ff.), conclude by making Echo the sole listener of his complaints (188-90). The image is reflexive: one again pictures Philoctetes crying out in agony and listening to his own shrieks as they resound back to him; to say that Echo hears his cries is (amongst other things) a poetic way of saying that his sole companion is the sound of his own lamentation.

¹² See also Montiglio (2000: 224-5).

¹³ This makes Odysseus' hesitation to say much in the prologue (11-4) out of fear of being discerned, and (potentially) his instruction to confirm the location silently (*εἶπα*, 22-3: with *εἴμαιν'*—a breach of Porson's bridge) somewhat ironic in retrospect. For Philoctetes' acute sense of hearing, see Taplin

for listening makes good sense given his isolation on Lemnos and the ten-year gap in his knowledge of the outside world. He is the sole person (either in the play or in the audience) who does not know of the deaths of Patroclus (that is, the events of the *Iliad*), Achilles, Antilochos and Ajax, nor is he aware of the contest for Achilles' arms utilized in Neoptolemos' tale of deception. All of these events must be related to him,¹⁵ and he desires greatly to hear them (332-3; 410-45). This reliance on others' reports invites precisely the kind of deception Odysseus intends.

The aforementioned characteristics of Odysseus and Philoctetes combine to shed light on Neoptolemos. From the start of the play, he is characterized by a propensity for visual confirmation which juxtapose him to the other figures. As they head down the parodos, for example, Odysseus describes the cave they seek, but despite their proximity,¹⁶ he instructs Neoptolemos to serve as his eyes (*σκοπεῖν*, 16; *ἴδοις*, 21). While Odysseus actually draws attention to his visual shortcomings (*οὐ γὰρ ἐννοῶ*, 28),¹⁷ Neoptolemos, in contrast, is well suited to the task, as is subsequently confirmed by his inclination for visual corroboration: when he first meets Philoctetes, he feigns ignorance on the otherwise reasonable grounds that

(1971: 27-8); Scodel (1999: 171). Cf. Kirkwood (1994: 431), who refers to a critical tradition by which this aural recognition is comic.

¹⁴ The combination of the resentment Philoctetes feels towards Odysseus and the Atræidae for his exile (314-6) and the role of Odysseus in the Emporos' ruse (542-621) make his recognition of Odysseus a little less surprising: his enemies are never far from his mind.

¹⁵ From the perspective of archaic heroism, such a position of ignorance is precarious; it not only reflects Philoctetes' physical isolation from the outside world, but more importantly, it also alienates him from the aristocratic society in which he participated and the economy of *kleos* by which that society is organized. Cf. Podlecki (1966: *passim*) who holds that Philoctetes simply desires successful communication.

¹⁶ Kamerbeek (*ad* 24, 5) and Webster (*ad* 28) both posit that Odysseus remains in the orchestra while Neoptolemos ascends the stage. Nevertheless, the attention drawn to Odysseus' ignorance is telling; even if one posits a rocky cliff of some sort distinguishing orchestra from *skênê* (as Jebb *ad* 28), if Odysseus is standing in the orchestra, he intervenes between the *cauea* and the *skênê*. As such, if the audience can perceive the set (which must be assumed) he should also realistically be able to see it.

¹⁷ He goes so far as to have Neoptolemos send one of his sailors to keep watch lest Philoctetes sneak up on them (45-6). The need for a watchman is particularly striking inasmuch as Philoctetes' affliction should prevent a stealthy approach, as the chorus' later detection of his arrival indicates (201ff.).

he cannot know a man whom he has never seen (249-50), and over the course of his deception he states that he hurried to Troy out of a desire to see his father at least once before his burial (350-1). So too does he frame the distance he deceptively claims to keep from Troy and the Atreïdae in visual terms (*είκορῶν φυλάξομαι*, 455).¹⁸ Despite the deceptive purpose which these inclinations towards the visual serve, there is probably some truth to them; Neoptolemos' sense of sight becomes similarly prominent as his relationship with Philoctetes develops. For both before and after the attack of Philoctetes' disease he speaks in visual terms,¹⁹ and his decisive assertion of divine necessity in the so-called oracular hexameters appears as a new kind of sight (*ἐγὼ δ' ὀρῶ*, 839).²⁰ What is more, other characters in the play regularly appeal to this sense: in addition to the Emporos and the chorus,²¹ both Odysseus and Philoctetes call upon Neoptolemos' vision.²²

Neoptolemos' tendency to frame things in visual terms and his desire to observe for himself are consistent with his youth, to which the play also draws attention by making him somewhat reliant on others for information, guidance, and self-knowledge. There is a kind of naïveté about Neoptolemos, and one can observe it in the way that he speaks about himself. For example, although Odysseus attributes to Neoptolemos the possession of a certain nature early in the play (*φύσις*, 79-80), Neoptolemos' response reveals a corresponding gap in self-knowledge:

¹⁸ On the topic of describing the past, Neoptolemos also asserts that he did not personally see Thersites (445).

¹⁹ See 671, 882-3, and 1381. I will return to these parallel passages in my discussion of Neoptolemos' change of heart.

²⁰ His new vision is contrasted with the slumbering Philoctetes' inability to hear them (*ἀλλ' ὄδε μὲν κλύει οὐδέεν*, 839). I will return to the hexameters later.

²¹ The Emporos warns him in these terms (589), as do later choral lyrics (843-64).

²² Philoctetes does so for the purposes of arousing pity for his wretched state (471, 501, 929-30); and Odysseus later forbids Neoptolemos from speaking to or looking at Philoctetes as they disembark with the bow in tow (1065-9). Ussher (*ad* 263-4) also interprets 276-8 as a call to Neoptolemos "to visualize his unashamed reaction."

ἔφυν γὰρ οὐδὲν ἐκ τέχνης πράσσειν κακῆς,
οὔτ' αὐτὸς οὔθ', ὥς φασι, οὐκφύσας ἐμέ· (88-9).

For it is not at all in my nature to act from base craft—neither I nor
the man (as they say) who begot me.

In one sentence, Neoptolemos makes and undermines a claim to a particular character. By making the qualification ὥς φασι, Neoptolemos admits that he is not only in no position to describe his father's character, but also, *a fortiori*, that he is also therefore in no position to describe his own.²³ The tendency is not isolated: phrases such as ὥς ἐφάσκειτ' (114) or ὥς λέγουσι (335) recur elsewhere in his dialogue,²⁴ and even when introducing himself, he does assert his identity in the active voice: "I am called Achilles' son," he says, before offering his name "Neoptolemos" (ἀνδῶμαι δὲ παῖς Ἀχιλλέως, Νεοπτόλεμος, 240-1). Having never seen his father, he knows what kind of man Achilles was only through what others tell him.²⁵ There is a weight of expectations on his shoulders, but this weight is thrust upon him by his society and does not derive from within. The young man is not fully capable of asserting himself—both figuratively and literally.

²³ What little he says about his own character is, even here, derived from without: cf. Odysseus' characterization at line 79. Others find no problem in the assertion, even as they recognize the echo of Odysseus' words. So Ussher (*ad* 88-91) argues as follows: "Neoptolemos assents to, and strengthens, Odysseus's remark (79). Of his *own* character he speaks with confidence, from knowledge: for his father's—he was born after Achilles left for Troy—he can only rely on what men say." See also Knox (1964: 46), who says that Neoptolemos is "clearly his father's son" and ignores ὥς φασι entirely.

²⁴ O'Higgins (1991: 43) notes Neoptolemos' reliance on informants as well. For similar expressions, see also 345, 352, 363, 445. Other such expressions occur in accounts of the present situation, as at 199-200; vis-à-vis the *Emporos'* intervention (esp. 544, 551, 559-60, 591ff., 603-4, 620), the long *rhêsis* of Philoctetes (254-316)—which is prompted by Neoptolemos' allegation of ignorance (253)—and 925-6.

²⁵ Blundell (1988: 105) describes Neoptolemos in terms of an "ethical immaturity" in which his noble *physis*—as having its source in Achilles—is promising, but has yet to be enacted on the dilemmas of life in firm action. He has yet, she argues, "to make a decisive choice and confirm his moral intuitions with action." For a son to live up to his father is important and a powerful incentive: cf. *Aj.* 648ff.; *Il.* 6.476-481. Neoptolemos is regularly subject to appeals to his paternity and reputation, and the irony with these appeals is that because Neoptolemos does not assert his own character and identity, the appeals actually construct the ideas of his paternity and reputation at the same time as they appeal to them. For such appeals, see 84-5, 94, 119, 356-8, 1310-5.

The fact that Neoptolemos derives his self-image from others is also evident in the matter of the deception. After all, he is enlisted for the sole purpose of executing Odysseus' plan to capture Philoctetes, and relies on his superiors for guidance and instruction. For his part, Odysseus exploits the young man's naïveté in drafting him into the plot, enticing him by indicating that he will be called wise (*σοφός*) and noble (*κάγαθός*) for executing the deception (119). Again, the external source of Neoptolemos' sense of self appears in clear terms. But even though Odysseus succeeds in recruiting him, Neoptolemos is not simply an empty vessel for the ruse. He is not blind to the ethical dilemma raised by the deception, and this attitude reflects the young man's latent self-awareness and instincts: just as he desires, for example, to see his father's tomb for himself (350-1), so too does he initially suspect that Odysseus' deception is a *κακόν* (86-95). The dramatic tension wholly stems from the conflict between Neoptolemos' obedience (or subservience) to Odysseus' plot, and his process of realizing his own ethical autonomy as a member of noble society. By the end of the play, he will grasp what it means to be Achilles' son, and what actions that character requires.

The deception of Philoctetes begins with Neoptolemos acting the part of Odysseus' subordinate, and reveals well the characteristics of his youthful naïveté described above; even in the midst of the ruse, his reliance on external figures of authority shows through. For when compelled by Philoctetes to describe the wrongs he endured at the hands of Odysseus and the Atreïdae, Neoptolemos first describes the embassy which summoned him to Troy.

*ἦλθόν με νηὶ ποικιλοστόλῳ μέτα
 δῖός τ' Ὀδυσσεύς χῶ τροφεύς τοῦμῶ πατρός
 λέγοντες, εἴτ' ἀληθές εἴτ' ἄρ' οὖν μάτην,
 ὡς οὐ θέμις γίγνοιτ', ἐπεὶ κατέφθιτο
 πατήρ ἐμός, τὰ πέργαμ' ἄλλον ἢ μ' ἐλεῖν (343-347).*

Both godlike Odysseus and my father's tutor [Phoenix] came to me
 in a ship with variegated prow, saying—whether true or false—that it

would not be *themis* for anyone except me to take to the citadel,
since my father had died.

Including, as it does, both Odysseus and Phoenix, the embassy which calls upon Neoptolemos is no simple summons, but reveals a calculated attempt to persuade the young man. Several aspects of the tale are significant in this respect, and there is no reason to suppose that Neoptolemos is here fabricating the reason for his journey.²⁶ For one thing, the embassy includes senior members of the army, and there is good reason to do so. Since Neoptolemos, as Odysseus elsewhere reveals, is bound by no oath to head to Troy (72-3), there was presumably a real risk that he might simply decline the commission. The embassy can take no such chance: if Neoptolemos' presence really is required for success at Troy (as they allege), there is no room for failure. The importance of the embassy's purpose, therefore, is conveyed by the ambassadors themselves; Neoptolemos cannot reject the request without in some sense rejecting the messengers as well, and the choice of Odysseus and Phoenix therefore makes that rejection all the more unlikely. Note the way he describes Odysseus as godlike (*δίος*) and defines Phoenix by his relationship to Achilles (*τροφῆς τοῦμοῦ πατρός*, 344): these figures made an impression on him, and while it is easy to see that the inclusion of Phoenix (in particular) adds a subtle, personal touch to the embassy, his presence is also a calculated attempt at persuasion. The embassy, above all, comprises an attempt to inspire the young man to take up his father's mantle.²⁷

²⁶ The falsehood in the tale lies not in the reason for going to Troy, but in Neoptolemos' claim that Odysseus refused him the arms; Proclus' summary of the *Little Iliad* reports that he received them (10-11 [PEG]=12-3 [EGF]). The voice of dissent is Adams (1957: 142-3); cf. Knox's retort (1964: 191, n. 30). To my mind, everything in Neoptolemos' account, including his failure to obtain Achilles' arms, is thoroughly plausible to the external audience: the tale's deceptive façade, as we will see, is far more important for the gap it produces between the character Neoptolemos projects to Philoctetes and the character he actually cuts.

²⁷ See also 356-8, where Neoptolemos is greeted by the army as his father reincarnate.

Given the embassy's slight margin for error, it is not insignificant that the summons reported by Neoptolemos contains the play's first use of *themis*. For in a situation of such importance, it makes perfect sense that the embassy would employ a claim about *themis* as part of its persuasion. From one perspective, it is easy to see that the term has all of the rhetorical force it carried in epic: there is no response and no way to counter the claim that it is not *themis* for anyone else to take Troy, especially for a young man like Neoptolemos who is faced with the overwhelming authority of two of his social superiors. As an effective weapon in the arsenal of rhetorical character-speech, a claim about *themis* trumps any potential objection, corroborated by the facts that he agreed to accompany Odysseus and Phoenix and ended up going to Troy.²⁸ The embassy's claim about *themis*, augmented as it is by the stipulation 'now that Achilles is dead', is perfectly reasonable explanation for his enlistment. For the claim which besieges the young man is simultaneously irresistible and enticing. Even if he could argue that it is not *themis* for him to take Troy (which he cannot), his genealogy demands nothing less of him.

Themis is the lynchpin to the embassy's request, and Neoptolemos' account of it reveals his characteristic naïveté and subservience to others. For by enticing him with the presence of Phoenix and the assertion that he—as the son of Achilles—should take the Trojan citadel, the summons offers him the opportunity to take up a prestigious position in the army. Yet let us not forget that he is largely ignorant both of his social role and of the man he is to replace. As he quickly admits, he desired to look upon his unburied father for himself (350-1), and when the army at Troy greets him as Achilles reincarnate (356-8), the young man's initial

²⁸ It is again worth pointing out that Neoptolemos is unlikely to have fabricated this claim: even though he introduces the possibility that the embassy's report was false in describing it to Philoctetes (345), this possibility is actually consistent with his ruse. For inasmuch as he has (allegedly) deserted the Achaean army, the outcome of the war—especially in light of the alleged requirement of his presence—remains uncertain.

jubilant masks the vast gap between their experience of the man and his. So too do the details of his deceptive speech assume something about his relative status in the army; by having the Atreïdae award his father's arms to Odysseus, Neoptolemos offers a reasonable excuse for his faux-desertion, but the excuse—contrived or not—constitutes a tacit acknowledgment of his inferiority to Odysseus. This acknowledgment is corroborated by the reality of the situation, as the external audience knows that Neoptolemos has, in fact, continued to serve under Odysseus.²⁹ But the contrast between the figure Neoptolemos projects and the figure he actually cuts is sharp: his abuse of Odysseus and the Atreïdae (367-76) convinces Philoctetes because it sounds like the way a dishonored hero would behave—one cannot help but recall Achilles' abuse of Agamemnon in *Iliad* 1—yet no matter how much the son sounds like his father, the reality of Neoptolemos' compliance and participation in the deception makes it clear that his faux-withdrawal from the army is a pale shadow of his father's famed wrath.³⁰ The external audience has the benefit of recognizing the gap between father and son, but for Philoctetes, who does not know the events of the *Iliad* (but who has himself suffered an insult at the hands of the Achaean generals), the son sounds very much like a dishonored hero of the sort to which he can relate.³¹ Herein lies rich irony: Neoptolemos is repeatedly told that he is like Achilles, but by his own words and actions, it is clear to the audience that he is not. However much he might desire to realize the expectations placed upon him by virtue of his lineage, his role at the start of the play is not that of the lonely hero-pariah, but rather that of his superior officers' naïve subordinate.

²⁹ This is the primary reason the crisis over the armor is thought to be the falsehood in Neoptolemos' deceptive tale: see Knox (1964: 191, n. 30); and also Budelmann (2000: 100-2).

³⁰ Kamerbeek (1980: *ad* 363-66) also recognizes the presence of an Achillean "wrath" in the tale, and posits that "it is rather that the falsehood has all the appearances of truth and so is more false." Cf. Knox, who describes it as "mock Achillean fury" (1964: 123); followed by Schlesinger (1968: 126); Steidle (1968: 176).

³¹ Hamilton (1975: 131-3) sets Neoptolemos' tale more firmly in the structure of the play itself, and treats the way it mirrors Philoctetes' own history with the Atreïdae.

Despite the rhetorical trappings calculated to bring Neoptolemos to Troy, the use of *themis* in the scene has a deeper implication that goes beyond its rhetoric. For the play shortly makes clear that underlying the urgency in the embassy to Neoptolemos is a prophecy or oracle of some sort. Nothing is made clear initially, but the facts that the existence of the prophecy is suppressed and that its details emerge only gradually over the course of the play is not particularly abnormal; Sophoclean technique regularly shrinks from the full revelation of a prophecy or oracle,³² and the case of *Philoctetes* is no exception. Nevertheless, one can infer its gist from the characters' words even at this early point in the drama. In essence, it states that Neoptolemos is fated to take Troy: Odysseus' initial instructions to Neoptolemos twice assume as much (60-1, 68-9), and when he subsequently describes Philoctetes' bow as the sole means of taking Troy (113), Neoptolemos' retort assumes that he has been told that Troy is his to conquer.

οὐκ ἄρ' ὁ πέρσων, ὡς ἐφάσκειτ', εἴμ' ἐγώ; (114)

Then am I not the sacker, as you [and Phoenix] alleged?

Odysseus and Phoenix' revelation, that it is not *themis* for anyone but Neoptolemos to take Troy, is the obvious source for Neoptolemos' assumption, which further supports the notion that the words of Odysseus and Phoenix he reports to Philoctetes are genuine. But in this light, the force of *themis* in the embassy's account goes far beyond the irresistible rhetorical claim outlined above. As we have seen in previous chapters, by the fifth century *themis* also has marked prophetic overtones: the point of the embassy's assertion is not simply that it wouldn't be 'appropriate' or 'right' for this to happen (as the traditional, abstract force of *themis* would indicate), but that some divine necessity requires his presence for the fall of the city. This force of *themis* is more closely wedded to oracular or prophetic utterance, and it is

³² See Scodel (1999: 120-33); Budelmann (2000: 131-2).

clear from Neoptolemos' subsequent assertion that he has been informed of a prophecy to this effect:

ἔπειτα μέντοι χῶ λόγος καλὸς προσῆν.
εἰ τὰπὶ Τροία πέργαμ' αἰρήσοιμ' ἰών (352-353).

And then, of course, their argument was also admirable—if, by going to Troy, I would take the citadel.

Divination—the precise details of which have yet to be revealed—has predicted the conditions for Troy's downfall, and the force of *themis* in its first appearance reflects divine necessity. For Neoptolemos believes nothing less than that he has an vital role to play at Troy, and that he is acting in order to fulfill a prophecy of some sort. However much rhetorical weight the embassy's use of *themis* carried, Neoptolemos' words privilege the prophetic aspect of *themis*. He is not simply following orders, but also has a personal stake in the deception of Philoctetes.

iii. ***Silence, Latent Compassion, and the Second Use of themis***

The prophecy in *Philoctetes* poses many problems for critics, not the least of which are whether Philoctetes himself or simply his bow is required at Troy (the so-called 'man-bow' problem), and whether Philoctetes must come willingly.³³ There is also the problem of what Neoptolemos knows about the prophecy, which is the more important problem for the current investigation. Hints of this last problem have already appeared, for initially (as we have seen), Neoptolemos seems surprised to learn that the bow is the sole means of taking Troy, deeming it incompatible with his own role as sacker (113-4; cf. 68-9).³⁴ His surprise suggests that his

³³ As Scodel (1999: 129-30) notes, the issue of Philoctetes' willingness is further complicated by the deception: if it succeeds, is Philoctetes willing? For an exhaustive treatment of the man-bow problem, see Visser (1998).

³⁴ Budelmann (2000: 111-2) rightly draws attention to Neoptolemos' reference to the man (τὸν ἄνδρ' ἄγειν, 90), but notes that it escapes attention: "There is still only little reason for wondering about Neoptolemos' precise task."

knowledge of the prophecy derives from the embassy which first brought him to Troy.³⁵ But near the end of the play, he speaks of the prophecy authoritatively and in such detail (esp. 1336-42) that it appears he was present at its delivery. Discerning precisely what events took place outside of the drama is difficult, and for the positivist critic (especially) the discrepancy is unsettling.³⁶

I bring up the problems pertaining to Neoptolemos' knowledge of the prophecy as a way of exposing them and of indicating, up front, that my focus lies not in determining whether Neoptolemos was present or not at its delivery. For if Sophocles had no single scenario in mind, but endeavored to present Neoptolemos' knowledge as changing over the course of the play, his critic is better served not by impugning the dramatist's choice, but by assuming that he did so deliberately and analyzing its significance. Accordingly, I am rather more concerned with what Neoptolemos appears to know at various points in the play, and the dramatic reasons for his expanding insight.³⁷

In the following discussion, I take up the first section's argument about Neoptolemos' naïveté and further trace his conflicted attitude toward the deception of Philoctetes. I stress the tension in which he is caught; the young man who is both reliant on others and subservient to Odysseus is nonetheless far from ethically vacuous. He initially suspects the deception of Philoctetes to be a *κακόν* (86-95), after all, and over the course of the play he continues to reveal unease with his role.³⁸ This section further pursues this tension and the paradox it produces. For even as he enacts the deception and has Philoctetes on the verge of

³⁵ Neoptolemos' ignorance also suggests that he is not fully aware of why they have come to Lemnos.

³⁶ Visser (1998) is the latest attempt at discerning the prophecy's contents. Cf. the comments of Budelmann (2000: 119-23), who invokes the thesis—if not the specifics—of Tycho von Wilamowitz' *Die dramatische Technik des Sophokles*, namely that it is wrong to expect consistency.

³⁷ As Taplin (1971: 38) points out, Neoptolemos' knowledge of the authoritative version cannot be presupposed until the point when he actually reveals it. Easterling (1983: 221) is right to ask whether the prophecy is a "purely formal device" or means something else.

³⁸ See also Taplin (1987: 69-71) on the breakdown of the polarity of word and deed, truth and falsity.

leaving, Neoptolemos' actions and words (or lack thereof) reveal an increasing discomfort with the task he has been assigned. He wavers in the face of Philoctetes, approaches self-criticism, and even behaves as a friend towards his prey—all while remaining the vehicle for Odysseus' deception.

The paradox of Neoptolemos' duplicitous behavior is captured neatly in the second appearance of *themis* in the play. For when he first sets eyes on Philoctetes' bow—the instrument he has been charged to capture—Neoptolemos requests permission to hold it, but phrases his request in terms of *themis*. His hesitation brings both semantic fields of *themis* into play: from the perspective of divine necessity and the prophecy about Troy, it would appear *themis* for him to handle the bow, but inasmuch as the bow represents Philoctetes' famous service to Herakles, Neoptolemos seems aware that *themis* should forbid him from deceiving Philoctetes. Neoptolemos' inner turmoil is captured in his question concerning *themis*. If it is *themis* for him to receive the bow and take Troy, can it be *themis* for him to do so by cheating a friend? The term and its twofold semantics become thematized in their relation to Neoptolemos' dilemma.

Before treating his complex reference to *themis* in more detail, it is important to trace how conflicted Neoptolemos is vis-à-vis the deception over the course of the play, and how even in the midst of the deception he repeatedly hesitates and approaches self-criticism. This hesitation is often subtle, but I understand it in terms of two aspects of Neoptolemos' character; on the one hand, Neoptolemos' impulse to observe things for himself is satisfied by Philoctetes' appearance, but on the other, as he continues to perceive Philoctetes and his condition, he is repeatedly at a loss to express himself. I have already discussed Neoptolemos' impulse for visual confirmation, but the latter is no less significant; unlike Odysseus, it appears, Neoptolemos is not very good with words, and his interaction with Philoctetes

repeatedly indicates his unease with speaking. When Philoctetes makes his initial approach from offstage, for example, the chorus bids Neoptolemos be quiet (201)—advice which echoes Odysseus’ earliest command (22). But while Neoptolemos complies and holds his tongue, his silence in the face of Philoctetes persists, going beyond simple discretion to the point of betraying deeper feelings. For when Philoctetes addresses them and inquires into their origins, he grows frustrated as his questions go unanswered, eventually demanding a response (*φωνήσατ’... ἀλλ’ ἀνταμείψασθ’*, 229-30). Neoptolemos’ propensity for visual confirmation results in silence—he is struck dumb by the appearance of Philoctetes—but hand-in-hand with his observation appears a certain discomfort with expressing himself. Far from launching smoothly into the deception as a more experienced figure might have, in response to the series of questions he can only confirm his identity (and that of the chorus) as Greeks (232-3).

Neoptolemos’ inability to express himself in the face of Philoctetes is not an isolated incident, but becomes a recurring theme of the deception. For while he eventually both launches into the deceptive tale as directed by Odysseus (343-90) and dramatically represents a dispute over the arms of Achilles, it is not an Odyssean willingness to weave a yarn that dominates, but silence that attends his interaction with Philoctetes.³⁹ He hesitates not only as he launches into the deception

ὦ παῖ Ποίαντος, ἐξερῶ, μόλις δ’ ἐρῶ,
 ἄγωγ’ ὑπ’ αὐτῶν ἐξελωβήθην μολῶν (329-30)

I’ll tell you, son of Poias—difficult as it is—the affronts I suffered at their hands on coming [to Troy].⁴⁰

³⁹ Neoptolemos’ *Hemmung* and *Widerwille* are noted by Steidle as well (1968: 177). Taplin (1971: 33)—seemingly referring to the abrupt conclusions *τοῦτο γὰρ βούλη μαθεῖν* (233) and *οἶκθ’ ἤδη τὸ πᾶν* (241)—also notes that Neoptolemos “can hardly bring himself to speak.” So also Kamerbeek (*ad* 232, 3): “Not a word of pity, nor of horror at what he sees, not a single expression of simple humanity.”

⁴⁰ Both Kamerbeek (1980: *ad* 329-31) and Jebb (1898: *ad* 329f.) compare the phrase with *Od.* 9.12, and note that the rhetorical *topos* surrounding the revelation of past sufferings, namely, that the revelation reopens the wound. My point adds a further layer of subtlety; Neoptolemos is certainly admitting that

but also (as Philoctetes' cries indicate) when he subsequently witnesses the onset of the affliction

τί φής, παῖ;
τί φής; τί κυῶς; (804-5)

What say you, boy? What say you?! Why are you silent?!

and after he has disclosed (and is on the verge of abandoning) the deception:

ἀλλ' οὐδὲ προσφωνεῖ μ' ἔτι (934)

But he addresses me no longer...

τί φής; κυπῶς (951)

What say you? You are silent.

When it comes to the task of deceiving Philoctetes, Neoptolemos repeatedly struggles or stands dumbstruck.⁴¹ In fact, his silence marks the pivotal moments of their interaction, punctuating the major episodes of the drama—when he first glimpses Philoctetes; when he struggles to embark on the deception; when Philoctetes suffers the dramatic attack of his affliction; and finally, when he discloses the *dolos*. In light of his behavior at these critical moments, the fact that Neoptolemos ultimately gives up on Odysseus' ruse and rebels against him is unsurprising: he was hesitant about the plot in the prologue, and his commitment to it over the course of the play is clearly put to the test by his interaction and observation of Philoctetes' plight.⁴²

the revelation is difficult, but he admits as much in part because of his own unease with the deception. So also Reinhardt (1979: 169).

⁴¹ Montiglio (2000: 247-8) notes the latter two instances but does not consider them a reflection of Neoptolemos' character, even though she elsewhere (2000: 162) notes how the *antilabe* in Odysseus' appearance at 974 resolves Neoptolemos' hesitation and prevents him "from yielding to pity and returning the bow." Steidle (1968: 181) puts it well: "Betroffenes Schweigen, Unschlüssigkeit und gehemmtes Zögern sind die Züge, mit denen das Wesen des Neoptolemos und sein Konflikt zwischen übernommener Rolle und eigenem Wesen gestaltet werden."

⁴² I will return to the bond between the two in the next section.

Neoptolemos' unease poses an interesting problem for analysis, because while it seems clear that he is not fully on board with Odysseus' plot, he nonetheless continues to execute it. As a result, pinpointing his attitude at any one particular moment is virtually impossible. Like the string of the bow he hopes to capture, Neoptolemos is stretched taut between two points: he has an obligation to Odysseus, the army, and his own desire to take Troy on the one hand, but also to his nascent ethical instincts on the other. The play regularly has him waver between these poles, but he does so in such close succession that his attitude appears at times paradoxical. Observing Philoctetes for himself evokes Neoptolemos' compassion, yet in the midst of his struggle to manage the emotion he nonetheless lures the man deeper into the plot.

The case of Philoctetes' plea for passage home reveals Neoptolemos' fluctuating attitude in a particularly vivid fashion:

*μὴ λίπῃς μ' οὕτω μόνον,
ἐρήμον ἐν κακοῖσι τοῖσδ' οἴοις ὄρα
ὄσοις τ' ἐξήκουσας ἐνναίοντά με· (470-2).*

Do not leave me thusly alone, abandoned to dwell in these misfortunes—the kind you see and the number you have heard.

That Philoctetes' appeal attempts to reach Neoptolemos both on the level of sight and of sound is interesting⁴³—especially given Neoptolemos' hesitation both at the initial sight of the man and, subsequently, the onset of his affliction. As at the other pivotal moments outlined above, Neoptolemos responds to Philoctetes' emotional plea with silence, but it is not entirely clear what the implications of this silence are.⁴⁴ When the chorus subsequently exhorts

⁴³ His later appeal for pity also asks Neoptolemos to visualize the state of mortal fortunes (501-3).

⁴⁴ Philoctetes' imprecation includes repeated imperatives that provide convenient pauses: *ἴθ'* (480), *τόλμησον*, *ἐμβαλοῦ* (481), *νεύσον* (484), *πείσθητι* (485). Cf. Taplin (1971: 33), who interprets the pauses in Philoctetes' plea differently: "He does so well [at the deception] that he is able to pretend that

Neoptolemos to pity him (507), his reaction can be interpreted in one of two conflicting ways. From one perspective, Neoptolemos' response indicates his straightforward commitment to the ruse: he warns the chorus that pity might be more difficult in the company of Philoctetes' affliction (519-21), which appears to reflect his commitment to the deception. After all, he has agreed to rescue Philoctetes and provide passage, as his subsequent urgency to depart confirms (524-9). The dramatic irony—that the departure is forestalled by the Emporos' appearance, after which Neoptolemos no longer hastens to leave (637-47; cf. 526)—is rich. But despite his execution of the deception, traces of Neoptolemos' hesitation appear even prior to the Emporos' arrival: unlike the chorus, he is not immediately forthcoming with his pity,⁴⁵ and when stripped of its deceptive trappings, his silence and subsequent warning that the chorus might change its tune also appear as an ironic rebuke. For Neoptolemos has already heard the chorus blindly express pity for Philoctetes (167), and so too has he heard Philoctetes lament, in his first great speech, the empty pity he receives 'in word' (λόγοις / ἐλεοῦσι μὲν, 307-8) from his few visitors, all of whom subsequently shrink from ferrying him home (310-1). The rebuke of the chorus is subtle: while its exhortation echoes Philoctetes' own words in one respect,⁴⁶ at this moment when the issue of passage is once again at stake, Neoptolemos' response recalls Philoctetes' complaint about hollow 'words':⁴⁷ it is easy to assert pity for Philoctetes at present, he tells the chorus, but acting in accordance with these 'words' (τοῖς

he is going without Philoctetes (453ff), and then to stay silent, pretending to be in a quandary during the pauses in Philoctetes' plea to be taken as well (before 480, 484, during 486).

⁴⁵ I am not quite as bold as Steidle (1968: 179), who finds proof of Neoptolemos' pity already at 339 in the words ὦ πάλας. Cf. positions such as that of Podlecki (1966a: 240), who holds that Neoptolemos only begins to break at 804-5 or Blundell (1988: 106), who situates the moment at 897ff.

⁴⁶ In his first address, Philoctetes requested pity using the same language as his plea for transport does in the present passage (ἀλλ' οἰκτίσαντες ἄνδρα δύστηνον, μόνον. / ἐρήμον... 227-8; cf. 470-1: μὴ λίπησ μ' οὔτω μόνον. / ἐρήμον). In urging Neoptolemos to pity him (οἴκτιρ', ἄναξ, 507), the chorus recalls his earlier request and supplements his current one [*my emphases*].

⁴⁷ Cf. Jebb (*ad* 507-18): "The pity expressed by the chorus may well be sincere..." and Segal (1977: 138), who takes the chorus' pity as a sign that they are "sympathetic figures," despite his later reference to their 'moral vacuity' (1977: 146).

λόγοις τούτοις, 521) is harder, especially in the midst of an outbreak of his affliction (519-21). From the mouth of someone like Neoptolemos, who knows the chorus' pity may be disingenuous, the words can be taken as a rebuke of inconstancy.

The fact that Neoptolemos echoes Philoctetes' complaint by criticizing the emptiness of words reveals the complexity of his attitude. The rebuke does not simply apply to the chorus, but also intensifies the tension in which he is personally caught. *Logoi*, after all, are bound up with the deception of Philoctetes, and if the gist of his warning to the chorus pertains to its disingenuous words, one must also recognize an element of self-criticism in what he says. Consider, in contrast, an assertion he made earlier on in the deception, when he called himself a witness to Philoctetes' tale of woe (*τοῖσδε μάρτυς ἐν λόγοις*, 319).⁴⁸ When faced with Philoctetes' genuine hatred for the Greek generals, Neoptolemos claimed that he could offer similar testimony to their treachery. But as his repeated bouts of speechlessness subsequently indicate, as he witnesses Philoctetes' suffering first-hand, Neoptolemos is actually not capable of testifying to anything of the sort. It is precisely words with which he struggles.⁴⁹ In light of Philoctetes' complaint and the manipulation of words by Odysseus and the chorus, Neoptolemos' attitude towards *logoi* is plainly conflicted. He will not (like other visitors) offer hollow 'words' of pity, and will actually grant Philoctetes' wish by offering to provide him passage. But the situation is nonetheless ironic. Philoctetes, after all, has formally supplicated him, and Neoptolemos is therefore obligated to receive him,⁵⁰ and yet because of the deception he remains no better than Philoctetes' other visitors: his intention is not

⁴⁸ For the force of *μάρτυς* (and terms related to it) as indicating 'able to bear corroborating testimony', see *LSJ* s.v.

⁴⁹ Even when he concludes his great speech of deception with the emphatic 'the whole tale is told' (*λόγος λέλεκται πᾶς*, 389), one detects some relief that the tale is over.

⁵⁰ 'I come as a suppliant' (*ικέτης ἰκνοῦμαι*, 470); 'by Zeus, protector of suppliants' (*πρὸς αὐτοῦ Ζηνὸς ἱκεσίου*, 484.) The reference to Zeus Hikesios is significant; the chorus warns that failure to receive the suppliant will incur divine *nemesis* (510-518).

actually to take Philoctetes home, and his ‘words’ are hollow in another sense.⁵¹ We are reminded that *logoi* are also the vehicle for the *dolos*,⁵² and in criticizing the disjunction of word and action in the chorus’ exhortation—even in the midst of realizing the deception—Neoptolemos paradoxically approaches self-criticism. There is some latent discomfort with the entire enterprise, and Sophocles has packed into these verses far deeper significance than the surface would indicate.

Neoptolemos’ discomfort with the hollow words of others becomes more apparent as the Emporos enters the scene, which both delays the departure, and unwittingly aggravates the young man’s commitment to the deception. Above all, the Emporos’ account forces Neoptolemos to confront again the reality that *logos* is integral to Odysseus’ deception; the description of Helenos’ capture at Odysseus’ hands, like the intended capture of Philoctetes (whom the Emporos now indicates must also come to Troy [591-7]⁵³), specifies deceit as its means (*δόλοισι*, 608; cf. 101). The Emporos’ speeches underlie the sudden change in Neoptolemos: while he attempts to couch his words in several levels of authority with the purposes of providing an excuse for swift departure and of steeling Neoptolemos’ resolve, he succeeds on only one front. Neoptolemos was already eager to leave (637-8), but instead of strengthening his conviction to continue the deception, the Emporos actually aggravates the young man’s latent discomfort with *logoi*.⁵⁴ In contrast to Neoptolemos’ twofold request for transparency (580-1, 587-8), the Emporos’ appearance of authoritative speech persists in

⁵¹ Note the ambiguity with which Neoptolemos refers to their destination (529). I will discuss similar ambiguity (779-81) in the next section (pp. 309-10, *infra*).

⁵² See pp. 283-4, n. 6, (*supra*).

⁵³ This is the first time that Philoctetes’ presence appears a requirement.

⁵⁴ So also Kirkwood (1994: 432-3). The stipulation that Philoctetes must be persuaded (*πείσαντες λόγῳ*, 612) further confuses Neoptolemos, who has previously been told that persuasion will not work (*οὐ μὴ πίθηται*, 103).

deception.⁵⁵ And because Neoptolemos is already struggling to maintain the ruse, when Philoctetes subsequently categorically denies the possibility of being persuaded (624-5)—even by charming words (*λόγοισι μαλθακοῖς*, 629)—and attacks Odysseus as a man for whom all words and deeds are possible (*πάντα λεκτά, πάντα δὲ τολμητά*, 633-4), the reproach of his words stings Neoptolemos as well. The Emporos fails in his purpose, because he unwittingly provokes both Philoctetes and Neoptolemos to reject Odysseus' machinations. Instead of providing an excuse for Neoptolemos and Philoctetes to leave Lemnos as quickly as possible, the Emporos' speech actually gives Neoptolemos further cause for pause, and in place of the earlier urgency to depart (526),⁵⁶ following the Emporos' intervention and Philoctetes' complaining (628-36), he now attempts to stall their departure.⁵⁷

The conflict in which Neoptolemos finds himself is exacerbated almost immediately following the Emporos' departure. For as Philoctetes packs up his scanty belongings, Neoptolemos notices his famed bow (654)—the prize he has been commanded to acquire. The bow catches Neoptolemos' attention and a desire to touch and worship it seizes him:

Νε· ἄρ' ἔστιν ὥστε καγγύθεν θεῶν λαβεῖν,
καὶ βαστάσαι με προσκύσαι θ' ὥσπερ θεόν;
Φι· σοί γ', ὦ τέκνον, καὶ τοῦτο κάλλο τῶν ἐμῶν
ὁποῖον ἂν σοι ξυμφέρη γενήσεται.
Νε· καὶ μὴν ἐρῶ γε· τὸν δ' ἔρωθ' οὔτως ἔχω·
εἴ μοι θέμις, θέλοιμ' ἂν· εἰ δὲ μή, πάρες (656-661).

⁵⁵ The Emporos begins with the emphatic claim *λέγω* (591), and describes how Odysseus and Diomedes are coming with the intention of persuading Philoctetes by means of speech (*λόγω*, 593; 612), and that all the Achaeans heard Odysseus' plan (595-6). The further authority of Helenos is subsequently added (610ff.), creating concentric circles of authority: the Emporos reports the words of Odysseus which themselves purport to be an authoritative interpretation of the prophecy of Helenos, and like the Achaeans themselves, Philoctetes and Neoptolemos are called to witness: cf. *πάντες ἤκουον* (595) and *ἤκουσας, ὦ παῖ, πάντα* (620)—note that Q suggests an even tighter parallel by reading the aorist *ἤκουσαν* instead of *ἤκουον* at 595.

⁵⁶ *ἀλλ' εἰ δοκεῖ, πλέωμεν, ὀρμάσθω ταχύς*. Cf. Clarke Kosak (1999: 117-8), who argues that the detachment of these words indicate hesitation.

⁵⁷ When Philoctetes continues complaining, he hesitates: *οὐκοῦν ἐπειδὰν πνεῦμα τοῦκ πρόφας ἀνῆ, / τότε στελοῦμεν· νῦν γὰρ ἀντιοστατεῖ* (639-40).

- Ne: Is it possible for me to take a close look, and for me to raise it and revere it as a god?
- Ph: It's yours indeed, my boy—both this and any other of my possessions of the sort which might be of benefit to you.
- Ne: I certainly do desire it, and thus is my desire: if it is *themis* for me, I would wish it, but if it is not *themis*, let it go.

Of crucial importance is Neoptolemos' introduction of *themis* into the situation, and as we will see, there are a variety of issues that the irruption of the term causes. I will turn to Neoptolemos in a moment, but begin first by treating Philoctetes' response to the question of what *themis* demands. For his part, Philoctetes understands Neoptolemos' words simply in terms of the bond forged between them: his response, that it is *themis*—for Neoptolemos, at least⁵⁸—to touch and revere the bow (662), reveals that he considers this appropriate given the bond established by his supplication. Indeed, his language indicates that the bow itself is to be symbolic of this bond: he speaks of Neoptolemos as the one who raised him up from beneath his enemies (665-666) and compares Neoptolemos' action to that which won him the bow initially: the service to Herakles (670). He asserts both that Neoptolemos can touch the bow and that he can 'give it back to the giver' (*καὶ δόντι δοῦναι*, 668), implying a ritual exchange of sorts that will solidify their reciprocal relationship.⁵⁹ The bond first formed by Philoctetes' supplication is deepened by their friendly reciprocity—itsself a further reflection of Herakles and Philoctetes' paradigmatic relationship.

But while Philoctetes' attitude toward the propriety of the exchange is clear, the kind of *themis* he assumes is different from the one that Neoptolemos has taken for granted up to this point. The demands of *themis*, in other words, have become thematized: if one looks back

⁵⁸ In response to Neoptolemos' first question about the bow, Philoctetes affirms him (in particular) as a custodian of his possessions (*κοί γ'*, 658).

⁵⁹ "Whereas commodity-exchange establishes a relation between the objects transacted, gift-exchange establishes a relation between the transactors" (Seaford, 1994: 14). On another aspect of the bow's ritual significance see Lada-Richards (1997).

to the first use of the term, which implied divine sanction or command, Neoptolemos' possession of the bow appears fully consistent with the prophecy. He has been led to believe that he will be the sacker of Troy; as Odysseus and Phoenix told him, neither he without the bow, nor the bow without him will be successful (115). Because the terms of the prophecy are consistent with his possession of the bow, that possession is, from this perspective, wholly consistent with *themis*. But Neoptolemos no longer appears satisfied with Odysseus and Phoenix' portrayal of *themis*, and one can detect his second thoughts about the plot in the condition he poses to Philoctetes; he may believe it necessary (*themis*) to handle the bow,⁶⁰ but he now suspects that it may not be proper (*themis*) for him to do so, and, accordingly, defers to Philoctetes. This act of deference implicitly acknowledges a second semantic range of *themis* distinct from any idea of divine necessity, namely, that the traditional aspect of *themis* as a term denoting what is right or proper is also in play. Neoptolemos' deference introduces this second semantic range into the scene and reveals his own discomfort; because Philoctetes has appealed to him as a suppliant, to wrong him (as the deception intends) would constitute an offense against Zeus Hikesios—surely a violation of *themis*. As such, while Philoctetes' perspective on the demands of *themis* is clear, Neoptolemos' is vexed, and the result is a paradox: the surer their bond of friendship becomes, the more that *themis* forbids Neoptolemos to take the bow and wrong his friend. At the same time, however, that is precisely what *themis* demands according to Odysseus and Phoenix.

The thematization of *themis* becomes clearer as one compares the contexts in which Neoptolemos learns about its demands in addition to considering his attitude towards them. For when Odysseus and Phoenix came and told him that it would not be *themis* for anyone

⁶⁰ He may suspect, on the basis of the Emporos (610-3), that Philoctetes himself is required, but this requirement does not appear to be an issue in the current passage involving *themis*.

else to take Troy (346-7), Neoptolemos accepted their notion of *themis* at face value as denoting that which was consistent with divine necessity. Note, however, that this idea of *themis* was essentially thrust upon him, and—as is consistent with the term’s rhetorical force—Neoptolemos was in no position to object to it at that time. The present situation is slightly different for a few intertwined reasons: Neoptolemos is now hesitant about *themis*, no longer blindly accepts Odysseus and Phoenix’ notion, and so seeks confirmation as to what *themis* demands in the situation. The adjustment is slight: he personally raises the issue of *themis* and frames the issue of the bow in these terms, and, moreover, the way he defers to Philoctetes in framing the condition invites the particular response he receives.⁶¹ It is as though he suspects that Philoctetes might allow him to hold the bow (and perhaps, the reasons why he would, as well), but wants his suspicions confirmed. There are still remnants of the naïve young man who relies on external figures of authority for aspects of his knowledge, but the situation also hints at a more autonomous Neoptolemos. It is, after all, precisely because he is uncertain about *themis* that he raises the issue. In other words, the fact that he seeks a notion of *themis*, instead of accepting the one previously thrust upon him, is significant. The result is telling: when Philoctetes grants him permission to handle the bow, he confirms Neoptolemos’ suspicion, but in doing so he also demonstrates that the kind of *themis* that permits the exchange is vastly different from the *themis* that Neoptolemos previously assumed would oversee his victory at Troy. The thematization of *themis* leads to the collision

⁶¹ One might object that Neoptolemos cannot know how Philoctetes will respond or that there remains the possibility that Philoctetes might say ‘no,’ but these objections overlook the details of the exchange. For Philoctetes has just granted Neoptolemos the use of any of his possessions—including the bow (656-9)—and Neoptolemos’ deference to him, in light of the bow’s status as a nigh-sacred object, is simply the appropriate display of respect for the object and its holder. I do not think Neoptolemos is being straightforwardly deceptive, even though one could easily posit that Neoptolemos is simply playing the role of the calculating deceiver, anticipating a positive response on account of a bond he has nurtured under similarly deceptive pretenses. For as I will discuss shortly, in the next episode he steadfastly endures the onset of Philoctetes’ affliction and keeps his word not to abandon his friend.

of its two semantic fields, both of which permit Neoptolemos to take the bow, but which do so for incompatible reasons.

That Neoptolemos acknowledges the significance both of Philoctetes' assertion and of the bow is made clear following the exchange. For as was noted, Philoctetes is at pains to remind the young man of the origin of this prize: it was because of good service, he says, that he came into possession of the bow (*εὐεργετῶν γὰρ καὐτὸς αὐτ' ἐκτηράμην*, 670). The bow remains a token of the assistance he once gave to Herakles, and by recalling his past service, Philoctetes emphasizes the paradigm (as he sees it) for his relationship with Neoptolemos. The young man appears to grasp the significance of the action as well, in response to Philoctetes' example, he reflects on the nature of friendship:

*οὐκ ἄχθομαί σ' ἰδὼν τε καὶ λαβῶν φίλον.
ὅστις γὰρ εὖ δρᾶν εὖ παθῶν ἐπίσταται,
παντὸς γένοιτ' ἂν κτήματος κρείσσων φίλος (671-3).*

I am glad to look on you and to have you as a friend. For whoever knows how to do right when he has been treated well would be a friend greater than any possession.

In light of Philoctetes' previous statement that the sight of his exposure is insufferable by any other (536-7), these words are telling: Neoptolemos asserts their friendship in conjunction with his observation of the man (*σ' ἰδὼν*), which recalls his visual proclivities and suggests that he is not speaking from under the veil of the deception. The gnomic characterization of friendship as more valuable than any possession is similarly revealing; previously, for the purposes of deception, Neoptolemos referred to Philoctetes as a *φίλος* solely on account of their shared hatred for the Atreïdae,⁶² but *vis-à-vis* the bow his perspective changes. Faced with a bond now framed by Philoctetes' supplication, the paradigm of Herakles, as well as by their ritual exchange, Neoptolemos begins to see Philoctetes as a friend in spite of the

⁶² See 389-90, 585-6. Cf. Steidle (1968: 180), for whom deceptive intent is not necessary.

deception, and as more valuable than any possession (*κτήματος*)—even the bow which Philoctetes acquired by serving Herakles (*ἐκτησάμην*, 670), and for the sake of which the deception carries on.

I will discuss shortly (and in further detail) how I find sincerity in Neoptolemos' sentiment, but it is important to recognize as well that even at this point, both his musings on friendship and his actions continue to reveal the tension in which he finds himself. For Philoctetes has only been treated well (*εὖ παθών*) from his own deluded perspective; from the perspective of the *dolos* or of Neoptolemos' increasing maturation, he has been taken advantage of. It is therefore possible to detect once again a hint of self-criticism in Neoptolemos' characterization of friendship: having been granted permission to hold the famed bow—a *κτῆμα* by any definition—Neoptolemos has clearly fared well by Philoctetes. At the same time, however, he has not himself reciprocated that favor beyond handing it back, and his language suggests that he acknowledges his own shortcoming. For consider the mood of the verb *γένοιτ'* in the apodosis of his gnomic utterance: 'whoever (*ὅστις*) knows how to do right when he has been treated well *would be* (*γένοιτ'*) greater than every possession' (672-3). Whether one takes *ὅστις* as referring to Philoctetes or to himself, Neoptolemos is not describing the kind of 'real' friendship that an indicative verb would convey, nor is he implying that they have actually become friends, but that there is only the potential for the kind of powerful friendship he describes. We are dealing with the realm of possibility, neatly captured by the optative with *ἄν*.⁶³ At this point in the drama, with the details of the departure still in question, Neoptolemos' language hints that he has not quite held up his end of the

⁶³ A pessimistic reading of the scene could argue that Neoptolemos' characterization is ironic and straightforwardly disingenuous throughout, but one would in that case expect not the potentiality conveyed by the optative mood, but rather a real condition using an indicative verb.

relationship. His description rings with the implications of self-criticism; so long as he persists in the deception, such an ideal friendship is illusory and only a possibility.

Like the condition involving *themis*, both the potentiality of the bond and Neoptolemos' implicit admission that he has not yet held up his end of the relationship become further thematized; in the next episode, as Philoctetes' affliction strikes, Neoptolemos reiterates the optative *γένοιτο* (this time in a wish) in such a way as to suggest further his uncertainty about his obligations to Philoctetes. For as Philoctetes is overcome and hands over possession of the bow to Neoptolemos (776), the young man ambivalently asks that their voyage be safe, wherever the god arranges:

ὦ θεοί, γένοιτο ταῦτα νῶν· γένοιτο δὲ
πλοῦς οὐριός τε κεύσταλῆς ὅποι ποτὲ
θεὸς δικαιοῖ χῶς στόλος πορεύεται (779-781).

O gods, may these things happen for us. And may our voyage be successful and with favorable wind, to wherever the god approves and our journey is prepared.

The wish is an interesting one: on the one hand, Neoptolemos has received the bow, but at precisely that moment, he expresses uncertainty about the destination of the journey. Implicit in this uncertainty is a by-now familiar tension: although the demands of divine necessity should be clear—Neoptolemos will take the bow and sack the city of Troy—Neoptolemos' concern for Philoctetes complicates the execution of that mission. His previous suspicion about the demands of *themis* is mirrored by an uncertainty about the voyage; his words confirm that, although he has decided to take Philoctetes somewhere, he is not certain where that might be!⁶⁴ In other words, Neoptolemos does not simply have Troy in mind, but is also considering taking Philoctetes home, as he had previously requested (470ff.). The matter is

⁶⁴ Cf. the ambiguity at 529, where he is obfuscating the destination for their departure (pp. 302, n. 52, [*supra*]).

left to the gods, and all of a sudden, the potentiality surrounding the kind of friend who *would* be more valuable than any possession and who knows how to ‘do well’ (εὖ δρᾶν) when he has been treated well (εὖ παθών) makes perfect sense: Neoptolemos really is wavering in the face of his mission, and his hesitation—like his uncertainty about the demands of *themis*—indicates the profundity of his dilemma.

Subsequent interactions with Philoctetes continue to dramatize the tension in which Neoptolemos is caught, and his actions hint that he is attempting to do well in his friend’s eyes. For as Philoctetes falls victim to an attack of his affliction, Neoptolemos adheres to his ethical instincts: despite the fact that the attack allows him to gain possession of the bow (763), he nonetheless makes (and keeps) a vow to remain by Philoctetes’ side (810), when he could easily have escaped with the prize. This behavior echoes with reminiscences of his characterization of friendship; having fared well (εὖ παθών), he chooses both to act well (εὖ δρᾶν) and to value his friend above the prized possession he acquires.⁶⁵ In other words, Neoptolemos takes effort to realize the kind of friendship with Philoctetes which previously stood only as a potentiality. For a moment, at least, the deception falls by the wayside, and, as we might expect from Neoptolemos, the direct perception of the visual and aural phenomenon of Philoctetes’ affliction prompts compassion.

The emotions that result from witnessing the attack are visceral; no amount of coaching or *logoi* from Odysseus could have prepared Neoptolemos for the reality of the affliction, and when he reacts in its midst by calling its burden terrible (δεινόν γε τοῦπίναγμα τοῦ νοσήματος, 755), the commonplace sentiment of the statement is offset not only by the

⁶⁵ For further details about the specific nature of the friendship, see Belfiore (1994).

rarity of the word *ἐπίκαγμα*, but also by his words' reflexive undertones.⁶⁶ Like the army which abandoned Philoctetes on account of the affliction, Neoptolemos is also burdened by his observation of the attack; as his subsequent proclamation indicates, the sight—the manifest presence—of Philoctetes moves him (*φανείς*, 759-60). Knox describes the scene well: “We understand now fully why the Achaeans abandoned him. ‘Screaming and moaning,’ Odysseus said (11), but we could not have imagined anything like this.”⁶⁷ And although Neoptolemos is not yet at the point of pitying Philoctetes,⁶⁸ after another bout of speechlessness (804-5), he readily admits his discomfort at the spectacle:

ἀλγῶ πάλαι δὴ τὰπὶ σοὶ κτένων κακά (806).

For a long time, in truth, I have grieved and lamented your misfortunes.

The sight of the Philoctetes suffering evokes a latent and longstanding compassion,⁶⁹ and Neoptolemos' language confirms that the pain he feels in witnessing Philoctetes' affliction is incompatible with the deception of the man. For the adverb *πάλαι* begins to recur from this point, further marking Neoptolemos' remorse and distress at the deception (906, 913), and also accompanying his lone expression of pity for Philoctetes (965). However one deals with the deception which is still in progress, it is clear that Neoptolemos' nascent ethical instincts have been stirred by the sight of Philoctetes' suffering, and that his decision to stay by his friend is genuine.

⁶⁶ Lloyd-Jones & Wilson (1990: *ad* 753) draw attention to the colloquial sense—specifically of Philoctetes' response—in this exchange. On the rarity of the word, see *LSJ s.v.*

⁶⁷ Knox (1964: 52).

⁶⁸ Philoctetes immediately pleads *ἀλλ' οἴκτιρέ με* (756), to which Neoptolemos can only respond *τί δῆτα δράσω*; (757). This answer, as Taplin notes (1971: 33), again reveals his dilemma. Neoptolemos will only express pity at 965, after he has revealed the deception to Philoctetes.

⁶⁹ On the emphasizing force of *δή*, see Denniston (1934: 203-6).

iv. *Themis*, Neoptolemos' Conviction, and Herakles

In the preceding section, I argued that even though Neoptolemos appears not fully committed to the deception at various points in the play, he nonetheless proceeds with the task of luring Philoctetes to Troy. As a result, even at moments when he approaches self-criticism, for all his ethical instincts he remains paradoxically compliant with his mission. The consequence of this tension was that pinpointing Neoptolemos' attitude or its development at any particular point is a largely fruitless task: although I use the term 'maturation' to describe the changes dramatized in the play, these changes are not always clearly actualized in concrete action.

The paradox of Neoptolemos' bind is important to keep in mind as we turn to the final portion of the *Philoctetes*. For as we continue to consider the use of the term *themis* over the course of the play, the same tension between an increasing ethical awareness—spurred in no small part by his burgeoning relationship with Philoctetes—and the larger purpose of luring him to Troy continues to apply. Initially, he spoke of *themis* as reported to him by Odysseus and Phoenix (346), describing divine sanction and the necessity of his presence at Troy. His second invocation of the term (661), however, differed somewhat, as he deferred to Philoctetes in determining whether *themis* permitted him to hold the bow or not. This second appearance of the term revealed the tension between Neoptolemos' flourishing friendship with Philoctetes and the deception at work, and recalls the way that Aeschylean characters—Agamemnon and Eteocles, in particular—similarly face conflicting demands of *themis*. The difference is that in the Sophoclean play, the tension is not left at the level of paradox. For in the final portion of the play, Neoptolemos' increasing ethical awareness leads to a new insight into what should and what must take place: his final invocation of *themis* (812) and the so-called oracular hexameters that shortly follow combine to reflect a mature understanding both

of his bond with Philoctetes and the divine mandate urging their joint presence at Troy. For not only does Neoptolemos affirm his friendship with Philoctetes in rejecting Odysseus, but so too does he comprehend and assert the prophecy concerning their presence at Troy: Philoctetes—and not simply the bow—is required for the fall of Troy. The appearance of Herakles at the play’s conclusion endorses the veracity of his new insight.

In the final section of my discussion of *Philoctetes*, I turn to this last, definitive use of *themis* in the play. Themes from my earlier discussion recur, particularly the way in which Neoptolemos struggles to extricate himself from a deception that he has come to recognize as unethical. For following the final appearance of *themis* and Neoptolemos’ oracular hexameters, he nonetheless briefly relapses into his naïve, subservient role (974-1080), before eventually rejecting Odysseus, returning the bow to Philoctetes, and autonomously acting on his convictions—even giving up on the mission to Troy entirely. These actions are accompanied by a demonstration of his new understanding, revealed most categorically when he details the prophecy of Helenos to Philoctetes with startling precision. The nexus of themes involving Neoptolemos’ naïveté, difficulty with words, dependence on others, ethical instincts, and the dictates of *themis* are brought to a resolution: at the end of the play, Neoptolemos comprehends and asserts the prophecy surrounding the fall of Troy as well as the roles to be played there by himself and by Philoctetes. This new understanding allows him to speak authoritatively and of his own conviction on the matter, simultaneously distancing himself his previous position as subservient to Odysseus and asserting with ethical autonomy his obligation to Philoctetes—even at the risk of jeopardizing the success of the war. Gone are the traces of the naïve young man who struggled to express himself, and the irony of the play’s resolution is that at the moment when he has given up on the idea that he is fated to take Troy, Neoptolemos nonetheless brings it about: the appearance of the *deus ex machina*

Herakles at the play's conclusion both affirms his ultimate decision to stand by Philoctetes and also convinces the two to head to Troy together. The dictates of *themis*, brought into conflict over the course of the play, come into harmony: it is by recognizing his ethical obligation to Philoctetes that Neoptolemos realizes his fated role as the sacker of Troy.

I have already discussed the promise that Neoptolemos makes (and keeps) to stay by Philoctetes' side during the onset of his affliction (810), even though he acquired the bow at that point and could easily have headed to Troy. Concurrent with that promise appeared a wish for their journey—wherever the gods might direct them. Underlying Neoptolemos' words, I argued, were both his bond with Philoctetes and his unease with the deception.⁷⁰ So when he expressed his long-standing pain for Philoctetes' misfortunes (806) and affirmed that he would stay by his friend, the sentiment was genuine. These points set the stage for the final portion of the dramatic action; as Philoctetes hesitates to have him swear an oath to the effect that he will remain by his side, Neoptolemos uses the term *themis* for the third and final time in the play:

ὥς οὐ θέμις γ' ἐμοῦσσι κοῦ μολεῖν ἄτερ (812).

[I will stay;] it is not *themis* for me to go without you.

Although it is not a formal oath, the rhetorical force of *themis* answers Philoctetes' concern and confirms Neoptolemos' commitment.⁷¹ Philoctetes may not understand why it is not *themis* for Neoptolemos to leave without him, but as we have seen in other cases, the authority of the claim about *themis* is such that it preempts any potential objection or further inquiry on his part. Beyond its manifest rhetorical force, however, so too is Neoptolemos' response

⁷⁰ As was noted (pp. 302, with n. 54, [*supra*]), the Emporos first reveals the need for Philoctetes' presence at Troy, but I interpret Neoptolemos' promise to stand by his friend—wherever the gods might direct them—as reflecting his uncertainty about the deception and going to Troy.

⁷¹ See also Denniston (1934: 143) on the assenting force of ὥς... γέ in answers.

important for the way in which it continues the thematization of *themis*, particularly vis-à-vis the changing ways in which he understands the term. Initially, one should remember, the demands of *themis* were thrust upon him by Odysseus and Phoenix, while in the second use of the term, he deferred to Philoctetes in determining its dictates. In this last case, however, Neoptolemos asserts *themis* autonomously, no longer relying on the direction of an external figure of authority to guide his comprehension.

For a naïve young man—especially one who struggles with words over the course of the play—to assume the authoritative posture implicit in an assertion about *themis* is noteworthy in itself. But in addition to that posture of authority, so too are the implications of his use of *themis* significant in their complexity. For in light of his decision to remain by Philoctetes, Neoptolemos’ assertion appears at first glance to operate in the term’s traditional semantic range. Neoptolemos, it seems, is both asserting their friendship and acknowledging the obligations it places on him, further underlying the previously discussed ambivalence about their destination and his endurance of Philoctetes’ affliction: friends help their friends. But even so, the term does not simply reflect an ethical obligation; when Philoctetes goes to sleep after the attack and the chorus urges Neoptolemos to depart with bow in tow (833-8), Neoptolemos’ response reveals a further insight into the situation:

ἀλλ’ ὄδε μὲν κλύει οὐδέν, ἐγὼ δ’ ὀρώ οὐνεκα θήραν
 τήνδ’ ἀλίως ἔχομεν τόξων, δίχα τοῦδε πλέοντες.
 τοῦδε γὰρ ὁ στέφανος, τοῦτον θεὸς εἶπε κομίζειν.
 κομπεῖν δ’ ἔργ’ ἀτελῆ cὺν ψεύδεσιν αἰσχρὸν ὄνειδος (839-42).

No. Philoctetes hears nothing, but I see that we have captured these weapons in vain if we sail without him. His is the crown of victory; it is the *man* that the god instructed us to bring, and there is a shameful reproach for boasting about deeds which produce no achievement and which are accomplished with lies.

These oracular hexameters, as they are called, further explain (by way of supplement) the assertion about *themis* that Neoptolemos previously made to Philoctetes.⁷² For the hexameters indicate not simply that he cannot abandon a friend to whom he has ethical obligations (as *themis* in its traditional force would suggest), but also that taking Philoctetes to Troy fulfills some divine necessity (as *themis* in its oracular mode would indicate). Jebb notes precisely the conjunction I describe: “By *θέμις* Philoctetes understands the youth’s sense of duty towards a suppliant (773): the spectators know that Neopt[olemos] is thinking of the oracle (841).”⁷³ The hexameters serve to elucidate the prior assertion about *themis*; they refer explicitly to a *θεός* (841), and the necessity they describe evokes the specter of the prophecy surrounding the fall of Troy.

When viewed in the light of the hexameters, the semantic force of Neoptolemos’ assertion about *themis* is profound. Because the assertion simultaneously reflects ethical obligation and divine necessity, the usage brings the term’s two disparate semantic fields into harmony. The conjunction is not an easy one: when Neoptolemos speaks of deeds ‘fruitless with lies’ in the hexameters (*ἔργ’ ἀτελῆ cὺν ψεύδειν*, 842), for example, the complexity of the expression reveals the tension in drawing the two distinct ideas together.⁷⁴ For it is not simply that there is an ethical problem involving the lies made to Philoctetes, but also that heading to Troy without the man himself will produce no achievement (*ἀτελῆ*). The awkwardness of the phrase neatly encapsulates the novelty of his twofold insight, and even though Neoptolemos has admittedly been hesitant about lies since the start of the play (e.g.

⁷² For ‘oracular hexameters,’ see Bowra (1944: 281); Easterling (1983: 224).

⁷³ Jebb (1898: ad 812); see also Whitman (1951: 181); Minadeo (1993: 97). Cf. Visser (1998: 167): “Damit (*sc. themis*) kann nur Neoptolemos’ Pflicht gegenüber Auftrag und Orakel gemeint sein.”

⁷⁴ *ἔργ’* is Blaydes’ emendation of the *paradosis* *ἔστ’*, but I retain it on the grounds that it is the *lectio difficilior*. For the likelier corruption is *ἔστ’* from *ἔργ’*; *ἔργ’ ἀτελῆ* is an oxymoron of sorts, and plausibly invites correction. Regardless, the reading is not crucial for my argument, the sense of which remains the same so long the text juxtaposes *ἀτελῆ cὺν ψεύδειν*.

100, 108), the fact that he no longer assumes that his is the victory at Troy marks a real change. For initially, one remembers, Neoptolemos is told that he must capture the bow of Philoctetes, since it is fated that no one but him take the city (68-9, 113-4). Here, however, the young man asserts that Philoctetes himself is also required at Troy, and his words indicate that he no longer believes the role of sacker to be uniquely his.⁷⁵ As with the assertion of *themis*, it is the authoritative tone of the hexameters that is noteworthy; in both passages, Neoptolemos reveals new insight into the situation, and that insight takes the form of an autonomous declaration.⁷⁶ *Themis* demands both his commitment to his friend and that friend's presence at Troy, and the last scenes of the play are determined by this new knowledge.

Neoptolemos' insight into the demands of *themis* sets the stage for the play's conclusion—even though that is still several hundred lines away. In the meantime, it is necessary to acknowledge that, despite his new conviction, he nonetheless continues to waver. For although he is pleased to see Philoctetes awake following the attack of his affliction (*ἀλλ' ἤδομαι μὲν εἰσιδὼν...*, 882), he is almost immediately seized by the conflicting demands placed upon him, and struggles to do the thing he knows he ought to. His so-called 'moral pain' of 895 and his eventual revelation of the deceit (915) expose this tension;⁷⁷ he reveals the deception to Philoctetes because he cannot bear the idea that he should be found base (906,

⁷⁵ One is tempted to trace this change of heart to the Emporos, who asserts that Odysseus was seeking Philoctetes (608-19), but as we have already seen, the Emporos' account spurs Neoptolemos to hesitate in the matter of the deception, commit himself further to Philoctetes, and even to suggest that their destination may not, in fact, be Troy. See further pp. 302-3 (*supra*).

⁷⁶ So Segal (1977: 143): "Now, after direct experience of the man and his suffering, that knowledge becomes alive and lucid with new meaning; and that is the force of Neoptolemos' *ὀρῶ*, »I see«, in his first line (839)." Cf. Reinhardt (1979: 181), who acknowledges the oracular element of the hexameters but stresses uncertainty: they "show him to be perplexed, certainly, but not perplexed about the voice in his own heart, only about the command of the gods."

⁷⁷ Aultman-Moore (1994) coins the term 'moral pain,' and with good reason: Neoptolemos cries out asking what he should do at 895, 908, and 974.

908-9), but at the same time, he does so out of a real concern for the necessity that overlooks the situation. There is a weight of necessity (*πολλή ἀνάγκη*, 921-2), he tells Philoctetes, and he appeals to the ideas of what is just (*τὸ ἔνδικον*) and beneficial (*τὸ συμφέρον*) in explaining his refusal to give back the bow (925-6). The inner turmoil is clear: these are the words of the Neoptolemos concerned with victory at Troy,⁷⁸ but as is so often the case, he paradoxically reveals one aspect of his obligations in close succession to the other; just a few lines prior, he affirmed again that he would not abandon Philoctetes (912).

Whatever the conflict within Neoptolemos, Philoctetes sees only betrayal in the revelation, and lets fly with an entreaty in three parts addressed to Neoptolemos, the landscape of Lemnos, and his cave, respectively. The entreaty is so powerful that in response to it, Neoptolemos utters his sole expression of pity in the play (965), before repeatedly decrying his dilemma (*οἴμοι, τί δράσω; 969: τί δρώμεν, ἄνδρες; 974*). The young man's travails are palpable, and it takes the re-entrance of Odysseus at 974 to keep him from giving in. For Odysseus makes it clear that Philoctetes will not regain the bow on his watch:

*τοῦτο μέν,
οὐδ' ἦν θέλη, δράσει ποτ'· ἀλλὰ καὶ σὲ δεῖ
στείχειν ἅμ' αὐτοῖς, ἢ βίᾳ στελοῦσί σε (981-983).*

This [returning the bow] he will never do, not even if he wishes. But, it is also necessary that you come together with the bow, or they will bring you by force.

Echoing Neoptolemos' reference to necessity (921-2), Odysseus straightforwardly asserts the requirement of Philoctetes' presence (*σὲ δεῖ / στείχειν*). Despite his previous convictions about his attachment to Philoctetes, the presence of Odysseus brings Neoptolemos back into a subservient role: he falls silent while the two senior figures engage with one another (975-1074), and at the end of the scene he departs alongside Odysseus, with the bow in hand. The

⁷⁸ Webster (1970: *ad* 926) is right to read *τὸ συμφέρον* as a reference to victory at Troy.

scene nonetheless remains an important indication of the differences between Neoptolemos and Odysseus. For given Odysseus' assertions of the necessity of bringing Philoctetes to Troy (982-3, 997-8), that he subsequently pledges to depart without him is unusual (1054-6). Whether this is a bluff or a misinterpretation the prophecy is open to debate,⁷⁹ but what is certain is that the scene serves to differentiate him from Neoptolemos. For Neoptolemos, as we have seen, has repeatedly asserted his commitment to the man (instead of the bow) whereas Odysseus, when faced with the choice, ultimately focuses on the bow itself. And although Neoptolemos departs with Odysseus at this point, even in this moment of subservience he instructs the chorus to wait with Philoctetes until the necessary preparations and prayers are made (1075-80). Attempting to discern Neoptolemos' mindset at this point (like at so many others) is fraught with difficulty, but what stands out is the distinction between him and Odysseus; in response to Philoctetes' plea (*κοῦκ ἐποικτερεῖτέ με*; 1071), Neoptolemos acknowledges that Odysseus will surely accuse him of excessive pity (1074-5). Yet this accusation does not seem to bother him; by mentioning it, he subtly endorses the ascription of pity to his temperament (*ὡς ἔφυν οἴκτου πλέως*, 1074). Thus, even as he departs with Odysseus in a subservient fashion, vestiges of Neoptolemos' ethical maturation and relationship with Philoctetes linger on the surface.⁸⁰

However troubling Neoptolemos' obedience to Odysseus stands at this crucial juncture of the play, their departure is easily explained as a case of dramatic misdirection. For by presenting the possibility that Odysseus and Neoptolemos will depart with the arms of Philoctetes, the drama suggests an outcome far different from that towards which it has been

⁷⁹ Visser (1998: 160) argues for the former; Bowra (1944: 261-306) the latter.

⁸⁰ Cf. the passivity of his previous account of his *physis* (88-9; pp. 287-8, [*supra*]). Taplin (1987: 69-70) similarly notes the juxtaposition of 'duplicity' and 'genuine' feeling, concluding that the desertion "is neither completely true nor false."

building. The possibility of an alternative outcome is subsequently left on the table during the *kommós* which follows, and actually intensifies as Philoctetes' lament reaches its culmination. For as he reflects on the possibilities of either heading to Troy or enduring a future on Lemnos deprived of his bow, he pleads for a weapon of some kind so that he might mutilate himself and end his misery (1204-5): 'my intention now is death—yes, death' he asserts (*φονᾶ φονᾶ νόος ἦδη*, 1209). Sophocles' dramatic technique is put on full display; at the moment when Philoctetes' despair is at its peak and alternative dramatic outcomes are their most salient, the play "comes to a full stop."⁸¹

Despite the culmination of the drama in Philoctetes' death wish and the illusion of a finale, however, the play continues (and as is typical of Sophoclean irony), such a moment of extreme emotion is immediately followed by a scene to the opposite purpose.⁸² Neoptolemos reenters with Odysseus, and the young man quickly reveals a restored resolve that is all the more emphatic because of his previous departure with Odysseus and the bow. For from this point on, Neoptolemos' ethical instincts and comprehension of the prophecy about Troy dominate the drama, and are finally backed up by concrete action. With Odysseus questioning him, he immediately indicates his intention to return the bow to Philoctetes, describing its acquisition as base and contrary to justice (1234). In place of falsehood and shamefulness (842), Neoptolemos now professes to act in accordance with truth (1236) and justice (1251).

⁸¹ Taplin (1971: 35).

⁸² Although irony lurks throughout the *Oedipus Tyrannos*, the specific parallel I have in mind is the wedding song at *Tr.* 205-24, which responds to the news of Herakles' survival with joy for the impending reunion of husband and wife, but which is immediately followed by the entry of Lichas with Herakles' mistress Iole.

He wavers no more, not even when Odysseus threatens him with public reproach (1250) and physical force (1254-5).⁸³

The about-face is dramatic, and the significance of Neoptolemos' resolve is deepened by the fact that Philoctetes is not present to witness it;⁸⁴ there can be no question that this newfound purpose is part of a further ruse. The tension in which Neoptolemos was previously caught, in other words, has vanished; the naïve young man observed in the first part of the tragedy left the stage with Odysseus and the bow, and the one who reenters is wholly the Neoptolemos who asserted the dictates of *themis* to Philoctetes—that he would not leave without him, and that his presence was required at Troy. One observes precisely this Neoptolemos in the scene that follows: he summons Philoctetes from the cave, asks whether he will relent and come to Troy (1273-5), and when Philoctetes refuses, he nonetheless promptly returns the bow to him (1291-2). The implications of this action are transparent; Neoptolemos reveals his true character to Philoctetes, and having mended their bond of friendship, he continues in the attempt to convince Philoctetes of the need to head for Troy.⁸⁵

The details of Neoptolemos' about-face and the attempt to persuade Philoctetes reiterate the previously discussed insights of his oracular hexameters and assertion concerning *themis*. For by rejecting Odysseus and returning the bow to Philoctetes, the young man acts in

⁸³ See Podlecki (1966a: 241). The final exchange with Odysseus is both amusing and entirely in character: after Neoptolemos counters Odysseus' threat of violence in visual terms (1254-6), all Odysseus can do is threaten to tell the army (λέξω, 1258). Odysseus' reliance on *logoi* renders him impotent to stop Neoptolemos.

⁸⁴ Philoctetes is by now offstage. Following the conclusion of his lament (ἔτ' οὐδέν εἰμι, 1217), he heads into his cave, and there follows a break before Neoptolemos and Odysseus reenter. For Taplin (1971: 36), the play "at 1217 reaches a real, though morbid, end" and he subsequently condemns the four intervening lines before their reentrance as an interpolation (1971: 39-44). See also Easterling (1983: 222-3).

⁸⁵ The focus on Neoptolemos' character is interesting: at the start of the play, we observed that he was incapable of describing it (88-9), while subsequently he acts so as to endorse a particular kind of character (1074-5). In this last case, he similarly acts so as to reveal a particular nature, which is immediately recognized by Philoctetes (1310).

accordance with what he perceives to be the demands of their complex bond. At the same time, however, he also appeals to Philoctetes by taking recourse to the prophecy of Helenos, which he outlines in surprising detail. Although he recognizes the obstinacy with which Philoctetes resists any notion of heading to Troy, Neoptolemos stresses that Philoctetes will not be cured unless he heads to Troy, where the sons of Asclepius await him (1326-34), and furthermore outlines that there he will also take the citadel with the bow and Neoptolemos' assistance (1334-5). He is transparent that the prophecy derives ultimately from Helenos, who swore on his life to the authority of his words (1336-42). For Neoptolemos, the dictates of divine necessity are inseparable from the demands of friendship, and his appeal reveals the close conjunction of the ethical and oracular—precisely the two semantic fields previously united in his final assertion of *themis* and the oracular hexameters.

Philoctetes, for his part, does not grasp Neoptolemos' insight, and interprets the appeal not for its focus on his wellbeing but as a concession to the Atreïdae. So he requests passage home and promises a double reward (1367-72), to which Neoptolemos responds by again linking friendship and divine mandate:

λέγεις μὲν εἰκότ', ἀλλ' ὅμως σε βούλομαι
θεοῖς τε πιστεύσαντα τοῖς τ' ἐμοῖς λόγοις
φίλου μετ' ἀνδρὸς τοῦδε τῆςδ' ἐκπλεῖν χθονός (1373-5).

You describe likely things, but nevertheless, I want you to trust both in the gods and in my words and sail away from this land with me, your friend.

For all Neoptolemos' stress on the conjunction of divine necessity and friendship, Philoctetes cannot grasp how the gods would support such a situation. As a result, Neoptolemos is subsequently left to base his appeal largely in the notion of friendship:

Φι· καὶ ταῦτα λέξας οὐ καταισχύνη θεούς;
Νε· πῶς γὰρ τις αἰσχύνοιτ' ἂν ὠφελῶν φίλους;
Φι· λέγεις δ' Ἀτρεΐδαις ὄφελος, ἦ 'π' ἐμοὶ τόδε;
Νε· σοὶ που φίλος γ' ὦν χῶ λόγος τοιόσδε μου (1382-5).

- Ph: Do you not disgrace yourself before the gods by saying such things?
 Ne: How would someone commit a disgrace by helping his friends?
 Ph: Are you describing a benefit for the Atreïdae, or one that concerns me?
 Ne: Yours, I suppose—since I am your friend and my speech is of such a kind as well.

By taking recourse to what he perceives as a genuine bond forged via friendship, Neoptolemos concedes that Philoctetes does not recognize the concurrence of divine necessity and friendly obligation of which he speaks. This is for good reason: Philoctetes still believes that he is being duped by *logoi* (e.g. 1382, 1384, 1388), and so Neoptolemos must abandon that which prevents him from achieving his goal.⁸⁶ The alternative is to reach Philoctetes on terms that he can accept—those of friendship. In doing so, however, he unwittingly offers Philoctetes the opportunity to test him. For Philoctetes quickly turns to their bond, and reiterates the request he has made throughout the play:

- Φι· ἄ δ' ἤνεκάς μοι δεξιᾶς ἐμῆς θιγῶν,
 πέμπειν πρὸς οἴκους, ταῦτά μοι πρᾶξον, τέκνον,
 καὶ μὴ βράδυνε μηδ' ἐπιμνησθῆς ἔτι
 Τροίας· ἄλλις γάρ μοι τεθρύληται λόγος.
 Νε· εἰ δοκεῖ, στείχωμεν (1398-1402).

- Ph: But the things you said to me touching my right hand – that you would send me home – do these things for me, child. And neither delay nor mention Troy anymore, for as far as I'm concerned, there's been enough discussion.
 Ne: If it seems good to you, let us go.

It does not matter that Neoptolemos has made no such promise;⁸⁷ the appeal recalls Neoptolemos' conviction that he would not abandon Philoctetes and puts it to the test: 'if you

⁸⁶ He immediately acknowledges the impotence of his *logoi*: 'what, then, should I do, if in my words I will be unable to persuade you at all of what I speak? It is time for me to cease from words, and for you to live without salvation—as you live now' (τί δῆτ' ἂν ἡμεῖς δρῶμεν, εἰ cé γ' ἐν λόγοις / πείσειν δυνησόμεθα μηδὲν ὦν λέγω; / ὦρα 'στ' ἐμοὶ μὲν τῶν λόγων λήξαι, cé δὲ / ζῆν ὡς περ ἤδη ζῆς, ἄνευ σωτηρίας, 1393-6—*my stress*). See also Podlecki (1966a: 243ff.)

⁸⁷ Noted as well by Taplin (1971: 38); cf. Philoctetes' reference to an oath (1367), which (similarly) Neoptolemos has not made. Whitman (1951: 177) describes the "characteristically Sophoclean"

are really my friend,' Philoctetes is arguing, 'then take me home.' Neoptolemos is left with no choice: having dropped the idea of divine necessity and the medium of *logoi* as elements of his persuasion, he is forced to prove the firmness of the friendship, and to do so by *deed*. It does not matter that he has already taken the significant action of returning the bow; the only way to convince Philoctetes is to agree to take him home.

Critics have long noted how Neoptolemos is forced to give up his own interest in agreeing to Philoctetes' request and how problematic aspects of this decision are,⁸⁸ but for my purposes it is important simply to note that the decision comprises a pair of mutually exclusive possibilities. At this point, the prophecy and friendship clash, and Neoptolemos cannot—as his final articulation of *themis* and subsequent assertions seemed to assume—accomplish both. It is therefore noteworthy that Neoptolemos makes the choice he does and adheres to his earlier convictions to stay with Philoctetes, despite the fact that in doing so, he gives up the hope of taking Troy. One can analyze the decision in a variety of ways—that he places his trust in the gods and no longer attempts to make himself the instrument of divine necessity, that he values friendship above the bow and his own glory (as described at 672-3), that he no longer believes the prophecy—but the truth is probably some combination of them all. Neoptolemos chooses Philoctetes, and the significance of this choice lies in the ethically mature Neoptolemos that it manifests. For the naïve young man—the one who left the stage with Odysseus at 1080—trusted, above all, his own prophesied role at Troy, equipped with the bow. The mature Neoptolemos, we have seen, possesses new insight into the prophecy, but was also increasingly close to Philoctetes. In one respect, then, the decision to take Philoctetes

practice of bringing everything to life through its opposite. He speaks of Philoctetes the beggar being brought back into society only by his resistance to it, and the same holds true for Neoptolemos, who only achieves divine necessity by giving up on it.

⁸⁸ See Blundell (1989: 217-20); Gill (1993: 100-101).

home is anticipated in the drama, even if from another perspective it constitutes a further ‘false ending’ for the play.⁸⁹ When Neoptolemos gives up on invoking divine necessity and the attempt to persuade Philoctetes with words, one observes again a more mature ethical figure.

Despite the false departure it comprises, Neoptolemos’ final decision sets the stage for the resolution of the plot, as Herakles appears *ex machina* and convinces Philoctetes to go to Troy after all. This final portion of the drama provides a tidy cap to the drama, not simply for restoring mythological order for the plot, but also for the way it further ties up elements of the play’s thematic framework. For above all, Herakles essentially reiterates that which Neoptolemos recognized in his final assertion of *themis*, namely, that the bonds of friendship are inseparable from the dictates of divine necessity.⁹⁰ Neoptolemos’ decision to endure with Philoctetes is vindicated, and becomes the basis for their joint success at Troy. Herakles’ insight, therefore, is no different from that of Neoptolemos, but differs inasmuch as it is effective for Philoctetes, for whom the instructions of his famous friend carry significantly more weight than those of Neoptolemos, whose previous manipulation of words still sits ill with Philoctetes.

The appearance of Herakles immediately introduces thematic elements familiar from earlier portions of the play into the scene. For when he appears and addresses Philoctetes, he manifests himself emphatically as both a visual and aural phenomenon (*ἀκοῇ τε κλύειν λέύσειν τ’ ὄψιν*, 1412). For a character like Philoctetes, who inclines primarily towards aural identification, the presence of Herakles’ voice is significant, but for Neoptolemos, whose

⁸⁹ See pp. 319-2; 321, nn. 85 (*supra*) on false endings in the play, and also Easterling (1983: 223): “So in each case [of false departures] we feel that this cannot be the real ending and that something more ought to happen, but it is hard to see what it can be. This is particularly true of the great moment when Neoptolemos sacrifices his own interests to those of Philoctetes, which is enormously deepened by the sense that Neoptolemos is abandoning his destiny.”

⁹⁰ So also Segal (1981: 347), who notes that the commands of Herakles are consistent with the insight of the hexameters, but does not discuss the reference to *themis*.

propensity is more towards the visual, so too is the demigod’s appearance authoritative. The fullness of Herakles’ sensible presence is reinforced, as he subsequently juxtaposes his voice and his visual appearance for a second time.⁹¹ What is more, instead of a *logos* (which Philoctetes has continually resisted), Herakles offers a *muthos* commanding his presence at Troy alongside Neoptolemos (1409-10, 1417).⁹² The visual and aural presence of the god is more complete than the *logoi* by means of which Neoptolemos attempted to persuade Philoctetes. But so too is it more authoritative: just as Neoptolemos previously ‘saw’ the content of the prophetic *logos* only after the full perception of his friendship with Philoctetes and his friend’s suffering (839), so now Philoctetes is moved by the voice (*φθέγμα* 1445), appearance (*χρόνιός τε φανείς* 1446) and *muthos* (1447) of his friend Herakles to accept divine necessity. As Neoptolemos did previously, Philoctetes ultimately comes to see the truth of friendship via a complete sensory perception of the situation.

The details of Herakles’ command similarly reiterate the gist of the prophecy related by Neoptolemos.⁹³ Philoctetes is to head to Troy, be healed, slay Paris, and sack the city (1423-8), but not without the help of Neoptolemos:

οὔτε γὰρ σὺ τοῦδ’ ἄτερ σθένεις
 ἐλείν τὸ Τροίας πεδῖον οὔθ’ οὔτος κέθειν
 ἀλλ’ ὡς λέοντε συννόμῳ φυλάσσετον
 οὔτος σὲ καὶ σὺ τόνδ’ (1434-1437).

For you are not strong enough to take the Trojan plain without him,
 nor is he without you. But as two lions you two together protect one
 another—he you, and you him.

⁹¹ τὰς ἐμὰς λέξω τύχας (1418), ἀθάνατον ἀρετὴν ἔσχον, ὡς πάρεσθ’ ὄρᾶν (1420—*my stresses*). Why *τύχη* is described but *ἀρετή* is seen is not as unusual as it might seem; apotheosis is apparently a sufficient indication of Herakles’ virtue.

⁹² See Rabel (1997: esp. 302ff.), who draws on Martin’s discussion (1989) of the significance of *muthos* vs. *logos*.

⁹³ As Easterling notes, “It has, I think, to be accepted that the final exposition of the future by Heracles is authoritative, and that this validates retrospectively the account given by Neoptolemos at 1326 ff.” (1983: 222).

The bond of friendship at which Neoptolemos has been driving is thoroughly bound up with the taking of the city: as Christopher Gill puts it, “heroic achievement depends on authentic friendship.”⁹⁴ The god’s commands coincide with the essence of Neoptolemos’ insights in the previous episode: it is not the bow, but friendship—which the bow symbolizes—that is most valuable, and so too is Neoptolemos’ decision to stay by his friend’s side inseparable from the recognition in his oracular hexameters that Philoctetes himself is required at Troy. Herakles says nothing that Neoptolemos has not already acknowledged, but the crucial difference is that his authority as a friend carries far more for Philoctetes than that of the young man who previously attempted to deceive him. In the end, Neoptolemos’ insight is shown to be true: it is not *themis* for him to go to Troy without Philoctetes both because of their fated role as the sackers of the city and because that fated role relies upon the stability of their relationship. Much like Herakles’ assertion of the future at Troy, Neoptolemos’ final invocation of *themis* links prophecy and ethical responsibility. The irony, of course, is that it is only by demonstrating the latter that the former can be achieved.

v. Conclusion

While many scholars have recognized that Neoptolemos’ ethical maturation and the shifting contents of Helenos’ prophecy present unique problems for the interpretation of Sophocles’ *Philoctetes*, none have recognized the extent to which the interpretation of the play’s uses of *themis* is essential to unlocking the play’s intricacies. For the meaning of *themis* is thematized over the course of the play, as are the contexts in which its dictates are both learned and asserted. In its first appearance, the term is laden with implications of divine necessity, but is thrust upon Neoptolemos by the figures of authority in whom he finds

⁹⁴ Gill (1993: 97).

guidance. It is, in other words, initially a reflection of his youthful naïveté. In his second use of the term, however, the traditional semantic force of *themis* as an abstract idea appears: Neoptolemos shrinks from receiving Philoctetes' bow because he is uncertain whether it is appropriate for him to do so, and defers to the elder to guide his understanding. Once again, his youthful naïveté comes across in the act of deference, but at the same time, the fact that he raises the issue of *themis* indicates a burgeoning sense of ethical responsibility. The deception, above all, gives him cause for doubt; because of the symbolic importance of the exchange for their bond of friendship, Neoptolemos recognizes its incompatibility with his dishonest intentions.

The final usage of the term reflects the coincidence of the term's two semantic fields. For after witnessing the attack of Philoctetes' affliction, Neoptolemos articulates his commitment to the man and for the first time asserts independently the dictates of *themis*. But by recognizing that it is not *themis* for him to leave without Philoctetes, Neoptolemos draws together the term's different implications: his statement is true both in terms of the ethical bond of ritualized friendship that has been formed between them through supplication and the exchange of Philoctetes' bow—itsself an image of the strength of friendship—and also in terms of the prophecy of Helenos that he has come to recognize. For as the oracular hexameters put it, Philoctetes himself is required at Troy—not just Neoptolemos, and not just the bow. It is this insight that leads Neoptolemos to confess the plot, return the bow, and attempt to convince Philoctetes to come to Troy. But Philoctetes refuses, and Neoptolemos is forced to demonstrate the strength of their friendship by giving up on Troy. Only with Herakles, whose intervention *ex machina* resolves the drama, does Philoctetes see the truth of the matter, but the reality is that Herakles asserts nothing beyond what Neoptolemos has already recognized. *Themis* describes not simply the conditions of Troy's fall, but the bond of

friendship underlying that fall as well—their journey to Troy is sanctioned both by human ethical norms and divine revelation.

c. Other cases of Sophoclean *themis*

i. *Oedipus at Colonus* and *Electra*

I have described the final insight of Neoptolemos in *Philoctetes* as reflecting a uniquely Sophoclean understanding of *themis*. But one play, of course, does not a larger trend make, and in considering the way in which Sophocles' later plays unite the term's two semantic ranges, it is necessary to present further evidence to this effect. In what follows, I will briefly consider a few uses of *themis* in *Oedipus at Colonus* and *Electra*, with a view to demonstrating how they reveal the same coincidence of human and divine sanction. As in *Philoctetes*, a certain pattern applies: claims about *themis* appear and carry particular weight in the contexts of supplication and pollution—one could call these contexts 'ritual'—and as in *Philoctetes*, a larger divine necessity, whether known to the characters or not, informs the situation.⁹⁵

Oedipus at Colonus provides the best starting point for the further analysis of Sophoclean *themis*, as in this play the themes of supplication, pollution, and oracular prediction enjoy much the kind of prominence they did in *Philoctetes*. Just as Philoctetes' wound renders him a social outcast and ritual liability, Oedipus' crimes have led to his exile and make him a source of pollution for human communities. To remedy their similar quandaries, both figures take up suppliant posture and are received (by Neoptolemos and Theseus, respectively), and these protectors are ultimately steadfast in defending them in the face of those who would abuse them. Further similarities involve the fates that inform their respective futures and which are known through divination: Philoctetes will take Troy, and Oedipus will bring benefit to the hosts of his final resting place. The difference in this last

⁹⁵ Cf. the similarities listed by Segal (1981: 362-4).

aspect is that, unlike Philoctetes, Oedipus has clear knowledge of the oracles surrounding his future, and this knowledge guides his actions throughout the play. He is driven as much by his conviction to find his final resting place in the grove of the Eumenides as he is by his stubborn rejection of Eteokles and Polyneikes, who would seek him for their own benefit. When sketched so crudely, the two protagonists and their respective plots' structures appear very similar to one another.

Oedipus' crucial reference to *themis* in the play occurs within precisely the twofold framework of human ethical norms and divine necessity that informed the *Philoctetes*. The former only comes into focus with the arrival of Theseus (551), but the latter (and Oedipus' knowledge of it) is put on display from the start of the play. For when he learns that the grove in which he and Antigone have arrived is sacred to the Eumenides, he immediately seeks asylum as a suppliant:

ἀλλ' ἴλεω μὲν τὸν ἰκέτην δεξαίματο·
ὥς οὐχ ἔδραε γὰρ τῆσδ' ἂν ἐξέλθοιμ' ἔτι. (44-5).

May they receive their suppliant with kindness, for I will not depart from this very seat.

The resolve with which he claims sanctuary is surprising at first, but the underlying reasons quickly come to light. For, as he tells Antigone, Oedipus is acting on the basis of an oracle of Apollo which stipulated that this grove would be his final resting place (84-93), and he accordingly believes that finding it is the result of divine guidance (96-8). The oracle adds a wrinkle to the play's traditional suppliant-drama plotline;⁹⁶ it is not simply that Oedipus takes refuge at a shrine because he requires reception by a powerful protector (though that is

⁹⁶ On the traditional elements of suppliant-drama in *Oedipus at Colonus* (and Sophocles' innovations), see Burian (1974: 409-11). Cf. Wilson (1999: 29-61) who argues unconvincingly that Oedipus' status as hero is incompatible with supplication. *Contra* Wilson, see the criticisms of Tzanetou (1999-2000: 274-5). The play on suppliant-drama continues with the arrival of Polyneikes, whose appeal recalls Oedipus' own: see Easterling (1967: 5-6); Burian (1974: 422-6); Jouanna (1995: 51-8); Markantonatos (2007: 78-9; 125-8).

partially the case) but that this particular place has special significance. His knowledge of its significance, left unexplained for the moment save a vague reference to benefit (72), will reflect one aspect of his assertion of *themis* later in the play.

As a suppliant, Oedipus seeks the reception of a community, but the fact of the matter is that Oedipus is no ordinary suppliant, and his unique position (like his unique insight into his future) makes him a walking paradox of sorts.⁹⁷ Having discovered his final resting place, he describes himself as a ghost (εἶδωλον) and states that his body is no more (οὐ... τό γ' ἀρχαίου δέμας, 110). The paradox runs deeper still, as Oedipus is exceptional in being simultaneously powerful and yet repulsive, albeit from different perspectives. For human communities, the stigma of his past crimes as parricide and husband to his mother render him a source of pollution, and upon discovering his identity, the chorus is initially quite hostile to his presence (i.e. 226). The human response is perfectly natural, but does not reflect the whole truth of the situation. For as Oedipus quickly hints, far from polluting a community, he will actually bring benefit (φέρων / ὄνησιν ἀστοῖς τοῖςδ', 287-8). His access to Apollo's oracles allow him to assert a future unfathomable for human perception,⁹⁸ and although he offers no elaboration of these purported benefits until Theseus arrives on the scene, the gap between his understanding and the chorus' human perception is vast.

Following the arrival of Ismene and her report of further oracles concerning Oedipus' fate, the distance between Oedipus' knowledge and that of his hosts is further thematized, and it is in this context that the play's most significant use of *themis* appears. But before

⁹⁷ Reinhardt (1979: 203-7); Segal (1981: 366-8) note the paradox as well. For an interesting but more pessimistic reading of Oedipus and the play, see Bernard (2001: 43-170). While I will focus on certain positive aspects of Oedipus (especially in his relationship with Theseus), I do not deny these darker implications of the protagonist's attitude towards Thebes, and consider them appropriate to the complex figure of Oedipus.

⁹⁸ Jouanna (1995: 56) also notes the distinguishing feature of Oedipus' knowledge.

turning to the details in Oedipus' oracular knowledge, it is important to point out the importance of human behavioral norms in this portion of the play. Theseus' reception of Oedipus is the most important for my purposes; when he enters, he does not hesitate to treat Oedipus as a suppliant-guest (565-6), manifestly prioritizing his ritual obligation over any competing concern.⁹⁹ Oedipus, in turn, is immediately drawn to Theseus' nobility of purpose (*τὸ δὲ γυναικίον*, 569), which accepts him as he is. It is of particular significance that Theseus' reception of Oedipus appears as exemplary ritual behavior.¹⁰⁰ The obligation to a suppliant is inviolable, after all, and Theseus' actions are therefore fully appropriate.¹⁰¹ The whole scene plays out with surprising ease and lacks the kind of arm-wringing glimpsed in other suppliant plays. For Oedipus himself responds to his gracious reception accordingly; he introduces himself and his purpose primarily through the benefits he will bring:

*δώσω ἰκάνω τοῦμόν ἄθλιον δέμας
 σοί, δῶρον οὐ σπουδαῖον εἰς ὄψιν· τὰ δὲ
 κέρδη παρ' αὐτοῦ κρείσσον' ἢ μορφὴ καλή* (576-8).

I come to give you my wretched body. It is not a dignified gift to behold, but its benefits are greater than those of a pretty figure.

When interpreted as a ritual supplication, the exchange between the two figures goes swimmingly: Theseus receives his guest, and Oedipus promises rewards in turn. The only

⁹⁹ Theseus straightforwardly asserts that it 'would be some strange action you would have to describe for me to keep my distance' (*δεινὴν γὰρ τιν' ἂν πράξιν τύχοις / λέξας ὁποίας ἐξαφισταίμην ἐγώ*, 560-1). Burian (1974: 414). Although I will continue to speak of Oedipus' supplication, I acknowledge that his reception by Theseus shares much with relationships of *xenia*, and also that Theseus' subsequent decision to offer citizenship does not strictly belong to supplication. Pace Wilson (1999: 45-9; 79-87), there is no need to distinguish the relationships absolutely. Markantonatos (2007: 123-40) discusses the ritual apparatus of the play in greater detail.

¹⁰⁰ Conversely, so too does Oedipus act in a ritually appropriate manner, as the lengthy description of his ritual atonement Oedipus to the Eumenides in the preceding scene indicates (466-509)—an account that is, as Markantonatos notes (2007: 87, 126-9), unique to Greek tragedy.

¹⁰¹ For the more widespread belief on the inviolability of the suppliant, see Herodotus (i.157-60), and for further references, see Mikalson (2003: 73-4). On Theseus' ritual behavior (and piety), see also Blundell (1993: 289-93).

problem, in fact, is the extent to which they become kindred spirits—almost equals.¹⁰² Strange in this respect is the reciprocity at which Oedipus aims, which is unusual from the mouth of a suppliant (who is, by definition, in a position of need, not plenty). The difficulty subsides, however, in his subsequent admission of the gravity of his sons' intention to take him back to Thebes (587, 589), which both reinforces his dependence on Theseus and is fully appropriate to a suppliant-drama.¹⁰³ Sophocles is toying with the conventions of a suppliant drama, but the closeness of Oedipus and Theseus at which he aims will be dramatically significant.

I point out the kind of normality that Oedipus' interactions with Theseus strive for because they stand in stark contrast to the relationship that he has with Thebes. His past crimes loom large in this respect: he is a parricide, husband to his mother, and subsequently exiled by his sons, and although one can point out that the presence of Antigone and Ismene is similarly a reminder of his crimes, for the purposes of the play they represent the kind of filial devotion sadly lacking in Eteokles and Polyneikes.¹⁰⁴ For, because of his sons' past actions, he is determined to bring harm on them both (*ἄτην δὲ τοῖς πέμψασιν*, 93), while he is uniformly grateful to his daughters for their assistance. Oedipus' attitude towards his sons, however, reflects his relationships with Thebes and Thebans in general, which are almost wholly perverted: although the Thebans would take Oedipus back to Thebes, they cannot offer him burial in Theban soil (406-7). In fact, they only seek him out at all out of concern for their well being (*εὐκόλιας χάριν*, 390; 402) and in obedience to an oracle.¹⁰⁵ Nothing here is at it

¹⁰² Burian (1974: 415).

¹⁰³ Again, see Burian (1974: 409-11, 416). I will return to the abnormal elements of this otherwise normal relationship shortly.

¹⁰⁴ See Oedipus' comparison of his sons and daughters' actions as Egyptian (337-45)—a reference to Herodotus' notion of Egypt as place where customs are inverted (ii.35). He reiterates the distinction between his male and female offspring at 445-7.

¹⁰⁵ On a related issue—the perversions of the *philia* between Oedipus and Thebes—see Edmunds (1996: 118-20).

should be: his sons seek him not out of filial piety, but as a pawn in their own conflict. So too, however much his city may desire him, the paradox is that it cannot receive him. That Oedipus subsequently rejects the ties of civic identity and blood appealed to by Creon (735-60) and Polyneikes (1326-45), respectively, and that he wishes to become himself the arbiter of his sons' fratricidal strife (421-30; cf. 402) neatly reflects the distorted relationships he has with the city.¹⁰⁶ Compared to the genuine, ritual bond he has made with Theseus and Athens—who will protect him regardless of his past—Oedipus' treatment by the Thebans falls short of the mark.

The ritual relationship that Oedipus enjoys with Theseus and Athens provides one plank of the background to his use of *themis*: the other consists of the unique oracular wisdom which complicates that relationship. For via Oedipus' promise of future benefit, we have seen, the relationship aims at a kind of reciprocity that is unusual in the context of supplication. Oedipus can make such an offer, however, because of the insight into his future that he possesses. The details of this insight, however, are somewhat intricate, and it is worth tracking them in some detail. From the start of the play, when Oedipus learns to whom the grove is sacred, the first portion of his oracular insight comes into focus. For it is in this grove that Apollo long ago prophesied he would make an end of his life (84-93), and as a result, he immediately begins to consider his corporeal existence as essentially over (110). Hand-in-hand with this knowledge, however, is a further insight: once his life is over, Oedipus will prove beneficial to his hosts (*κέρδη... τοῖς δεδεγμένοις*, 92; *εὐτυχῆς... τῇ θ' αὐτοῦ πόλει*, 308).

Although Oedipus mentions that he will bring ruin on those who cast him out (*ἄτην δὲ τοῖς πέμψασιν*, 93) in conjunction with the future benefits his corpse comprises, it is not until the arrival of Ismene and the report of a further set of oracles that his antagonism

¹⁰⁶ Zeitlin (1990) remains the classic discussion of Thebes in tragedy; so also Segal (1981: 378-92).

towards Thebes really comes to light. For Ismene is Oedipus' source of oracular responses,¹⁰⁷ and her news reconfirms his long-held convictions:¹⁰⁸ she reports the ousting of Polyneikes and reveals more recent oracles (*τοῖς νῦν... μαντεύμασιν*, 387) that the Thebans will desire him for the well being of the city (389-90), since his tomb will be a burden for them if it does not receive the appropriate honors (402). For the Thebans, the two points fit together: they interpret the oracle as demanding that they control Oedipus' tomb to so as to ensure its proper treatment. Yet this is not the full extent of the oracle, and the limits of their interpretation are quickly exposed by the subsequent exchange of Oedipus and Ismene. For because the Thebans cannot bury him in Theban soil (406-8), Oedipus renounces their attempt, which prompts Ismene to specify the burden (*βάρος*, 409; cf. *βαρύς*, 402) that his tomb will pose:

τῆς ἐγὼς ὑπ' ὀργῆς, σοῖς ὅταν στῶσιν τάφοις (411).

[Their burden will arise] because of your anger, whenever they take a stand at your tomb.

Ismene's account of Oedipus' anger (not to mention the suggestion of a battle between Athens and Thebes near Colonus¹⁰⁹) sound much like the prediction of a further oracle, and it is necessary to point out the impossibility of the Thebans' intentions in its light. As a further supplement to their perverted relationship with Oedipus, the Thebans ignore (or, at best, fail to comprehend) the dictates of the oracle. For Oedipus, however, it all coheres: these new

¹⁰⁷ He stresses her function as the reporter of oracular responses (353-5).

¹⁰⁸ I say 'reconfirms' because it remains the case that the oracle describing the end of his life was given to Oedipus as part of that same oracle about killing his father and marrying his mother (*ὅς μοι, τὰ πόλλ' ἐκεῖν' ὄτ' ἐξέχρη κακά...*, 87). Oedipus has lived a long time in the knowledge of his life's destination. So also Markantonatos (2007: 86). Cf. Slatkin (1986: 212-21), who argues that there is a distinction between the benefit Oedipus has in mind and that introduced by Ismene—the former consisting in a realization of Athens' ideals, the latter related to the benefits his body will bring to the city. For Slatkin, these ultimately cohere, but I think Oedipus has his end in mind initially as well.

¹⁰⁹ So Jebb (1900: *ad* 411) and Kamerbeek (1984: *ad* 410-13) both posit.

oracles confirm his conviction to seek burial in the grove of the Eumenides and the ruin (*ἄτην*, 93) he previously wished on Thebes. As he puts it in conclusion, they harmonize with (and indeed, fulfill) the oracles of old (452-4).

Even though Oedipus hints at the conflict of the seven against Thebes to come and its fratricidal outcome (421-7), the knowledge that his tomb will prove fatal to the Thebans predicts rather a future conflict between Thebes and Athens. Distinguishing between the two conflicts is a somewhat difficult task,¹¹⁰ but it is the situation vis-à-vis Athens which comes to the fore in the next episode, as it pertains directly to Theseus and his reception of Oedipus as a suppliant. Here Oedipus' oracular insight and the hospitality of Theseus come into harmony. For when Oedipus promises benefits contingent upon his burial (576-8, 582), he is quick to warn that this will be no small matter (*οὐ μικρόν... ἀγῶν ὄδε*, 587), which Theseus correctly interprets as an indication that Oedipus' burial will be an issue for his offspring (588).¹¹¹ But although he is surprised that Oedipus neither welcomes (591) nor endorses (599-601) a return to Thebes, Theseus quickly learns of the oracle's dictates (603; cf. 389-90): the Thebans must be struck dead in Attica (*ὅτι σφ' ἀνάγκη τῆδε πληγῆναι χθονί*, 605).¹¹² Oedipus makes no prediction as to the occasion or reason for this conflict (607-20), but when he morbidly speaks of his cold body drinking warm blood (621-2), the benefits (*κέρδη*, 578) of which he previously spoke are clear. Theseus, as we have seen, was already willing to receive Oedipus, but despite his warning of conflict (or, one might say, precisely because of these predictions) he enthusiastically accepts Oedipus (631-7), going so far as to offer citizenship (*ἔμπολιον*

¹¹⁰ Despite the suggestions of destruction by his tomb at Colonus (411; 605), Oedipus is elsewhere explicit about the doom that awaits his sons in Thebes (see 789-90; 1371-6). One must take the destruction in Attica to refer to the Cadmaeans as a whole (e.g. 409).

¹¹¹ There is a textual problem with the line, but the crucial reference—that to *τὰ τῶν σῶν ἐκγόνων*—is certain. For further discussion, see Lloyd-Jones & Wilson (1990: *ad loc.*)

¹¹² As Jebb (1900: *ad* 605) notes, Oedipus makes this assertion in light of Ismene's reference to the effect his tomb will have on the Thebans (411).

κατοικιῶ, 637). Once more, the contrast with the situation vis-à-vis Thebes, which cannot receive its own citizen, is marked.

The harmony of oracular insight and Theseus' ritual reception of Oedipus as guest, suppliant, and citizen set the stage for the appearance of Sophoclean *themis* in the drama. For as part of his reception, Theseus invites Oedipus to his home—very much the appropriate action for a host faced with a guest.¹¹³ This invitation, however, prompts Oedipus to invoke *themis*:

Oι· εἴ μοι θέμις γ' ἦν. ἀλλ' ὁ χῶρός ἐσθ' ὄδε—
Θη· ἐν ᾧ τί πράξεις; οὐ γὰρ ἀντιστήσομαι.
Oι· ἐν ᾧ κρατήσω τῶν ἐμ' ἐκβεβληκότων (644-6).

Oe: If it were, in fact, *themis* for me [I would accompany you], but this is the place—
Th: In which you will do what? I will not stand in your way.
Oe: in which I will defeat those who cast me out.

Oedipus' contrary to fact condition politely declines the invitation, and from the following lines it is clear that he has his fated role as benefactor in mind in doing so.¹¹⁴ For leaving the shrine would, in essence, contravene the dictates of Apollo's oracles, and Oedipus is firmly committed to exacting retribution upon the family and city that cast him out. Two of the significances of *themis* appear immediately in the usage: by invoking *themis*, Oedipus politely forestalls any potential objection from Theseus—as his subsequent reference to defeating the Thebans further supports. In addition, of course, the invocation is fully in line with the oracles underlying his presence in the shrine.

But while the rhetorical and oracular implications of Oedipus' use of *themis* are transparent, the usage also operates in its traditional semantic field. For despite Theseus'

¹¹³ Cf. *Od.* 16.78-86, where Neoptolemos would take the suppliant-beggar Odysseus to his home but for the suitors.

¹¹⁴ So Kamerbeek (1984: *ad* 644-6).

willingness to receive him, Oedipus remains a parricide and source of pollution for the community, and his presence in the king's home would potentially be a bane for Athens. The usage of *themis*, accordingly, can also denote Oedipus' refusal to pollute his newfound friend's home and community. This awareness of his own pollution—even if not entirely transparent in the present use—appears later in the play following the rescue of Ismene and Antigone from Creon's forces. There, Oedipus reaches for Theseus' hand in thanks, before stopping himself from polluting the king:

καί μοι χέρ', ὦναξ, δεξιὰν ὄρεξον, ὡς
 ψαύσω φιλήσω τ', εἰ θέμις, τὸ δὲν κάρα.
 καίτοι τί φωνῶ; πῶς ε' ἂν ἄθλιος γεγῶς
 θιγεῖν θελήσαιμ' ἀνδρὸς ᾧ τίς οὐκ ἔνι
 κηλὶς κακῶν ξύνοικος; οὐκ ἔγωγέ σε,
 οὐδ' οὖν ἔάσω (1130-5).

Stretch out your right hand, my lord, so that I may touch and kiss your face, if it is *themis*. What am I saying? How could a wretch like me want you to touch a man with whom every stain of transgression resides? I do not wish to touch you, nor will I allow it if you do.

The two references to *themis*—seemingly invoking the term's disparate semantic ranges—nonetheless combine to reveal the complexity of the situation. Although he says nothing about pollution initially, Oedipus' subsequent use of *themis* reveals that this is very much a matter of concern. Even if Theseus should want to touch Oedipus, the old man will not allow himself to pollute his host. By looking back on the first use of *themis*, this fear of pollution is similarly in play; it is not *themis* for Oedipus to leave the grove, both because of the oracular pronouncements concerning the end of his life and because of the threat his pollution poses to Theseus and the community as a whole.¹¹⁵

¹¹⁵ It is safe to say that Oedipus has not been purified of his guilt, though the processes surrounding such action are unclear in tragedy. The case of Aeschylus' Orestes is a good example: he claims to be free of pollution, though it is unclear whether this is the result of a single ritual act (*Eum.* 280-3) or happens over time (235-9; 451-2). But the Furies behave as though they are tracking the still-

Oedipus' uses of *themis* reveal precisely the same coordination of ethical or ritual norms with the dictates of divine revelation glimpsed in *Philoctetes*: from either perspective—or indeed, from both—*themis* forbids him to abandon his destined resting place. A third play—Sophocles' *Electra*—contains a similarly loaded reference to *themis*. As in *Oedipus at Colonus* and *Philoctetes*, the context in this other play involves ritual and supplication. The issue is Clytemnestra's funeral offerings to her dead husband, which the play presents as a perversion of ritual offerings to the dead. *Electra* does not lack the oracular context familiar from the other Sophoclean plays, but it is more subtle (and, therefore, problematic) in the way that divine necessity informs the action. For while Apollo's oracle underlies the vengeance in which the tragedy culminates, Electra (who makes the crucial claim about *themis*) spends the majority of the play desiring Orestes' return, and is ignorant both of his intentions and the oracle's decree at the time she invokes *themis*.

Two matters require some elaboration before turning to this crucial usage. The first is her hope for Orestes' return and her pleas that justice bring about the punishment of her father's murderers; while she does not have insight into Apollo's oracle *per se*, Electra's actions in the play anticipate the return of her brother and the vengeance. The second is the use (or abuse) of ritual norms in the play, an issue which directly informs the invocation of *themis*. I start with the latter point: the role of ritual in *Electra* is (of all the *Electra* plays) most startling and problematic. Of particular importance is Clytemnestra's ritual behavior towards her husband. That the viricide itself is problematic is, of course, essential to the plot, but so too does the play draw considerable attention to her continued treatment of the corpse: not only

perceptible trail of his pollution (244-54), which suggests he is not at all purified. See further Sommerstein (1989: *ad* 237).

did she mutilate his corpse (*ἐμασχαλίθη*, 445—as in Aeschylus¹¹⁶) but she also purified herself by wiping the blood on his head (445-6), and has since celebrated monthly rites celebrating his execution (278-81). As Richard Seaford notes with reference to these actions, the perversion of ritual norms in the play is extensive: even Electra is not herself innocent of ritual excess.¹¹⁷ For although her actions are essentially a public response to Clytemnestra’s reprehensible actions, which commandeer and pervert ritual norms, both characters’ behavior is significant.¹¹⁸ Still, the focus ultimately lies with Clytemnestra, who defiles the corpse instead of purifying it,¹¹⁹ and twists the lamentations and offerings proper to the dead into a celebration.

Clytemnestra’s reprehensible treatment of her husband’s corpse is mirrored by her attitude toward Orestes. She fears his return and hates Electra for saving him (293-8; 600-4), prays that she may escape retribution at his hands (648-54), and subsequently struggles to conceal her joy at the false word of his demise (766-8; 777-84). Her cryptic dream (417-27), in which the product of Agamemnon’s scepter casts shade over Mycenae, will be of particular importance inasmuch as it prompts the events leading up to Electra’s reference to *themis*, but it is for the moment noteworthy inasmuch as it suggests Orestes’ return and dominion over his

¹¹⁶ The mutilation is similarly mentioned in Aeschylus, *ἐμασχαλίθη δέ γ’* (*Ch.* 439), but is less an issue for that play than Agamemnon’s unlamented funeral (*Ag.* 1553-4; *Ch.* 429-39). Reinhardt (1979: 147) nonetheless finds the Sophoclean passage disappointing: “How flat this is in comparison with Aeschylus!” As Jebb (1894: *ad* 444ff.) and Finglass (2007: *ad* 445) note, these related tragic verses from *Choephoroi* and *Electra* comprise the only two appearances of the verb.

¹¹⁷ She is well aware that her lamentation is excessive (122-32), a ritual violation that appears more significant given the public forum (108-9) in which she gives voice to it. On this politics of such lamentation, see Alexiou (1974: 14-23); Foley (1993: 113).

¹¹⁸ On the cycle of perverted ritual, see Seaford (1985: 316-7); but cf. MacLeod (2001: 73-6, esp. n. 18), who distinguishes daughter from mother. The importance of ritual action in drama more generally is nonetheless clear: as Easterling notes, ritual “provides tragedy with a range of particularly potent metaphors” (1989a: 108).

¹¹⁹ The phrase *κάπι λουτροῖσι* (445) is ambiguous; it perverts both the washing of the corpse in preparation for burial and the purification a murderer would have to seek. Finglass (2007: *ad* 445-6; 445) notes both interpretations, but keeps them separate and does not acknowledge the ambiguity.

ancestral lands.¹²⁰ As in Aeschylus' *Choephoroi*, the dream frightens Clytemnestra and prompts her to send grave offerings, but unlike the Aeschylean version, there is no suggestion of vengeance in the dream itself.¹²¹ This is not to say that its significance is enigmatic (indeed, one can easily explain it as a dramatic license taken by a poet who could assume his audience's familiarity with the myth). For neither Clytemnestra nor Electra have any doubt about what the return of Orestes will entail, and Electra's attitude, in particular, is essentially the inverse of her mother's. From the start of the play she awaits Orestes (118; 159-63), but is frustrated by his 'always-about-to' (164-72; 303-6; 317-9). The punishment she seeks will derive from Zeus (209-12), from the gods below (453-6), or (as the chorus sings) from both *Dikê* and the Furies (472-515). For Electra (and the audience that has learned of the oracular commands at 32-7), Orestes is the agent, and the report of his death spells the end of vengeance (783-4, 796, 809-12), even if Electra subsequently plots to murder Aigisthos herself (954-7, 1019-20).¹²² Orestes is equated with the vengeance and the matricide, and the longing with which Electra awaits his return is the inverse of her mother's fear.

Clytemnestra's fear of Orestes' return brings me to the crucial passage in *Electra*. For after the dream in which Agamemnon's scepter produces foliage to shade all of Mycenae, Clytemnestra dispatches Chrysothemis with grave offerings to her husband's tomb, apparently in an attempt to avert his anger (or at least to quell her own fears—*ἐκ δείματός του νυκτέρου*,

¹²⁰ So Kells (1973: *ad* 417ff.); As Jebb notes (1894: *ad* 7421ff.), the dream's contents recall Astyages' dream (Hdt. i.108), and one must accordingly interpret Agamemnon's act of planting his scepter at the hearth (not to mention his *ὀμιλία* with his wife) as sexual; cf. Finglass (2007: *ad* 418), who is too literal in denying these connotations.

¹²¹ Bowman (1997: 134) makes the interesting point that the dream's contents are not actually interpreted within the play, though I would argue that Electra's response at 448-63 constitutes an interpretation.

¹²² It is noteworthy that the plot as described at this point aims specifically at Aigisthos, with no mention of Clytemnestra. Although Electra has elsewhere imagined her mother's death, her she drops from consideration. For the doxography, see MacLeod (2001: 141, n. 7); for the rhetoric of the exclusion, see Finglass (2007: *ad* 957).

410—about it). As with her other ritual abuses of his body, the grave offerings to Agamemnon are a perversion of ritual norms; as his murderer, Clytemnestra is the least appropriate person to make effective offerings to the dead—as the sisters point out (406-8). For as her murder and subsequent abuses underlie any restlessness that might afflict Agamemnon’s spirit, she is accordingly in no position to attempt its appeasement and the aversion of retribution. The idea that she would even try is offensive to Electra:

ἀλλ', ὦ φίλη, τούτων μὲν ὧν ἔχεις χεροῖν
 τύμβῳ προσάψης μηδέεν· οὐ γάρ σοι θέμις
 οὐδ' ὄσιον ἐχθρᾶς ἀπὸ γυναικὸς ἰστάσαι
 κτερίσματ' οὐδὲ λουτρὰ προσφέρειν πατρί: (431-4).

No, sister, bestow none of those offerings you hold in your hands on the tomb. For it is not *themis* nor is it holy to place the funeral offerings of his inimical wife at our father’s tomb—not even to offer libations.

Electra’s repugnance at her mother’s audacity leads her to commandeer the ritual activity at her father’s tomb:¹²³ she directs her sister to pray specifically for Orestes’ return (448-63), which in light of her mother’s dream, appears very much as an interpretation of the dream’s significance and the inversion of Clytemnestra’s ritual intentions. In this respect, the reference to *themis* betrays much the same profundity as appeared in *Philoctetes* and *Oedipus at Colonus*. For via the hendiadys with ὄσιον, the ethical objection—that Clytemnestra would employ ritual means to appease the spirit of the husband she herself murdered—is fairly straightforward. But given the burden of expectation surrounding Orestes, whose return is imagined as entailing vengeance for Agamemnon’s murder and in accordance with justice and Zeus’ will, the assertion of *themis* further forbids Clytemnestra’s actions as a violation of divine necessity. Electra, of course, is only working from the perspective of her own convictions about justice and retribution, but for the audience (which has already heard the

¹²³ For similar ritual commandeering in Aeschylus, see the discussion of Amendola (2006: esp. 23-43).

oracular utterance of Apollo commanding the vengeance reported verbatim [32-7]), it is easy to hear in the appeal to *themis* a reflection of divine necessity as well. Electra prevents Clytemnestra from appeasing her husband's spirit both because it is ritually inappropriate and because (though unbeknownst to her) Apollo's oracle has commanded the vengeance to be served upon her head. For the audience equipped with knowledge of the oracle, *themis* can describe both the norms of ethical and ritual action, and also the dictates of oracular revelation.

d. Conclusion

Themis in later Sophoclean tragedy reflects the coincidence of oracular revelation and ethical or ritual norms. In *Philoctetes*, the ethical maturation of Neoptolemos can be tracked over the course of the drama in light of what he knows and asserts about *themis* (not to mention how he knows it), and this maturation is framed by the seemingly opposite poles of the oracular commands and his obligations to Philoctetes. The culmination of the play's themes—in which Neoptolemos casts off the naïveté of his youth—lies in the recognition that, far from being polar opposites, the demands on his person are consistent with one another. Neoptolemos must value his friend above and beyond the bow he has been charged to capture, and only when he does so does it become possible for them to fulfill the fate spelled out in the oracle. *Oedipus at Colonus* and *Electra* reflect much the same collision of ethico-ritual norms and oracular necessity. For the elderly Oedipus, *themis* reflects the necessity of remaining in his fated resting place and also the impropriety of burdening his host and friend Theseus with the pollution that plagues him as parricide and husband to his mother. So too in *Electra* does Electra prevent the perversion of ritual norms by appealing to *themis*, an action which she also hopes will speed the vengeance of Orestes on her mother, which (unbeknownst to her) will also fulfill oracular necessity. These are not the sum of the

uses of *themis* in Sophocles—or even in the plays under discussion—but they are significant for revealing the harmony of semantic fields of a term that caused real difficulties in earlier tragedy, especially the tragedies of Aeschylus.

Conclusion

From its first literary appearances in Homer and Hesiod, *themis* and its related terms (*themistes*, *themisteuein*, and *Themis*) betray a complex semantic range capable of describing a wide range of norms—or ideas about order—involving the workings of nature, society, religion, the cosmos, and human mortality. These connotations of order constitute what I have termed its traditional or epic semantic range, but even as I define this range as such, it is the term's breadth, above all, that warrants attention. For despite the fact that particular aspects of the term invite attempts at pinpointing its essential meaning, it remains the case that the term defies easy categorization beyond its connection to order. Even though *themistes*, for example, have a particular legal or socio-political role in archaic society, this is but one aspect of *themis*'s significance, and those *themistes* often disappoint in their relation to the abstract principle. Hesiod's *Works & Days* reveals the corruption of which *basileis* are capable—in the name of *themis*—and so too does the Diapira of *Iliad* 2 reveal the limitations of human claims to *themis*. Not all *themistes*, it seems, are consistent with *themis*.

I drew attention to the complex semantics of *themis* in epic as a way of laying the groundwork for subsequent literature, in which the dictates of *themis* become increasingly unclear, paradoxical, and profound. Epic ideas about *themis* and personified *Themis*'s mythological role become the matter for the innovative pen of Pindar, and these innovations are carried further in the tragedies of Aeschylus, for whom the uncertainty surrounding the implications of *themis* reaches a full-blown crisis. Kin-killing and *themis*, paradoxically, become

linked in Aeschylus. Even in Sophocles, in whose later plays I argue this semantic crisis is resolved, *themis* continues to describe ethical and ritual norms that accord with a larger, divine framework. Sophocles offers a new vision of *themis* in which characters understand actions more profoundly, but it remains the case that *themis* itself is remarkably pliant and its implications various.

The complexity of *themis* in later literature and myth is due to a significant change in the term's semantic field, the analysis of which constitutes the main argument of this study. For at some point in the sixth century, *themis* has taken on oracular connotations in addition to its traditional semantic range involving order. So in the so-called Pythian portion of the Homeric *Hymn to Apollo*, *themis* denote oracles and *themisteuein* the act of delivering them, and shortly thereafter both Pindar and Aeschylus depict personified *Themis* in an oracular capacity. Although I offer one hypothetical explanation for this novel semantic range, I am also interested in the changes it produces in myth and literature, the best examples of which crop up in Pindar, Aeschylus' *Eumenides*, and the pseudo-Aeschylean *Prometheus Bound*. The so-called 'previous owners' myth of the *Eumenides* is generally accepted as an innovation on Delphic mythology, but in Pindar and *Prometheus Bound*, one observes more fully the consequences—for Zeus, especially—of the new, oracular *Themis*. Against the backdrop of traditional myths, these works examine the implications of *themis* in its new oracular capacity: what changes when *Themis* predicts the downfall of Zeus, for example, as she does in Pindar and *Prometheus Bound*?

As was the case for the crisis of *themis* that recurs in Aeschylean tragedy, only in the later plays of Sophocles are the oracular connotations of *themis* worked out and comprehended. For oracles and prophecies play a central role in *Philoctetes*, *Oedipus at Colonus*, and *Electra*, and the *dramatis personae*'s understanding of the divine will in these

plays is directly relevant to their ethics. Neoptolemos learns over the course of *Philoctetes* what Helenos prophesied, and his knowledge goes hand in hand with his ultimate commitment to Philoctetes, which is endorsed by Heracles *ex machina* by the play's end. So too does Oedipus arrive at Colonus with specific oracular insight, which he subsequently realizes in his relationship both to the grove of the Eumenides and his protector Theseus. Sophocles' great insight—if I can put it so boldly—is that the various connotations of *themis* are, in fact, consistent with one another.

The specific coincidence of oracular and ethical norms in Sophocles is important enough that later works take it up. In Plato's *Apology*, for example, Socrates describes how he was spurred to investigate the Delphic oracle's response concerning his wisdom: 'the god would surely not lie, since that would not be *themis* for him.'¹ When considered alongside the Sophoclean usage, Socrates' bewilderment produces a joke. In light of *themis*' traditional force, it is inappropriate for the god to tell lies, but at the same time, there is implicit in the statement a reflection on oracles: it is not *themis* for the god to lie because his oracles are themselves *themistes*. So rather than assume that the god is lying, and even though he does not understand the oracle, Socrates prefers to consider it a riddle that warrants solving (*καὶ τί ποτε αἰνίττεται*; 21b3-4). As in Sophocles, both of the term's semantic fields are in play.

Socrates' bewilderment has been thought to invoke Pindar's ninth *Pythian* ode,² in which the idea that it is not *themis* for Apollo to lie also appears, but I am not so sure that the complexity found in Sophocles and the passage in Plato necessarily is at work at this early point. For in the Pindaric passage, the context of an oracular response is absent, and in its

¹ Pl. *Apol.* 21b3-7. The crucial passage is 21b6-7: οὐ γὰρ δῆπου ψεύδεταιί γε· οὐ γὰρ θέμις αὐτῷ.

² Carey (1981: ad 43f.) ascribes this idea to Heyne.

place is an amusing discussion reminiscent of Homer’s *apatê Dios* in *Iliad* 14.³ Apollo has caught glimpse of Kyrene and become enamored of her, and so asks Chiron who she is and whether he can have her. The centaur consents and prophesies their future union, but before doing so, he addresses the god:

κρυπταὶ κλαΐδες ἐντὶ σοφᾶς
 Πειθοῦς ἱερᾶν φιλοτάτων, 39a
 Φοῖβε, καὶ ἔν τε θεοῖς τοῦτο κἀνθρώποις ὁμῶς
 αἰδέοντ’, ἀμφανδὸν ἀδεί-
 ας τυχεῖν τὸ πρῶτον εὔνας.
 καὶ γὰρ σέ, τὸν οὐ θεμιτὸν ψεύδει θιγεῖν,
 ἔτραπε μείλιχος ὀργὰ παρφάμεν τοῦ-
 τον λόγον. κούρας δ’ ὀπόθεν γενεάν
 ἐξερωτᾶς, ὦ ἄνα, κύριον ὅς πάντων τέλος 44
 οἶσθα καὶ πάσας κελεύθους; (39-45)

The keys of holy lovemaking which belong to wise Persuasion are hidden, Phoebos, and humans and gods alike shrink from enjoying the pleasures of the bed in the open for the first time. For even you—for whom it is not *themis* to touch upon a lie—a gentle inclination has turned you to make this misleading speech. You ask about the girl’s lineage, my lord—you who know the sovereign end of all things and all ways [of reaching them]?

Chiron simultaneously teases the young god for his arousal and acknowledges the restraint he has shown by first inquiring about her. The reference to *themis* functions in this context: nothing Apollo has asked can be called falsehood,⁴ and so while the centaur points out that Apollo should already know about his future with Kyrene, he is not chiding the god by reminding him of his capacity but teasing him for bringing it up at all. Matters of Persuasion and sex are best left hidden (*κρυπταί*, 39) and not exposed (*αἰδέοντ’, ἀμφανδὸν ἀδείας τυχεῖν τὸ πρῶτον εὔνας*, 41), and so Apollo’s inquiry betrays his arousal (*μείλιχος ὀργά*, 43). By invoking the idea that it is not *themis* for the god to lie, Chiron is teasing him for revealing what he ought not to, not scolding him for failing to live up to his oracular office or describing

³ So Köhnken (1985: 86-94).

⁴ So Carey (1981: *ad* 43f.): “Chiron’s point is that Apollo has come as near to lying as the oracular god may, under the influence of desire.”

any real falsehood.⁵ The tone of the passage suggests playfulness, not a reprimand, and the reference to *themis* contains an exaggeration on Chiron's part.

Compared with the novel semantics of the Platonic and Sophoclean usages, the case of *Pythian* 9 is quite different, but I bring up Chiron's response to Apollo because it is nonetheless pertinent to the preceding study. For because the centaur invokes *themis*—and even though he does so in a playful manner—Chiron's claim becomes a further example of appeals to *themis* within character-speech. As early as Homer, we have seen, individuals employ *themis* in rhetorically charged situations, using it to ground arguments or to deflect the possibility of objection. Similar cases become all the more pertinent to tragedy, where a claim's status as a rhetorical trump card of sorts has repercussions on the dramatic action. Agamemnon's rationalizes the sacrifice of Iphigeneia in terms of *themis*, and so too is Athena's invitation to the Furies and institution of the trial in *Eumenides* grounded in claims about *themis*. Eteokles comes closest to denying a claim to *themis* by ignoring the chorus' reference to the pollution of shedding kindred blood. As is the case for much of the preceding argument, *Philoctetes* provides the capstone: claims about *themis* are thematized over the course of the play—as is Neoptolemos' knowledge of them—and ultimately a new source for the claims' rhetorical impact is found in the term's oracular connotations. The playfulness of Chiron's claim to *themis* should not mask the fact Apollo makes no reply, and the disparity in context and consequence for this claim (when compared to, say, one in Sophocles) further indicates the profundity of those other claims.

The new, Sophoclean usage of *themis* in which this study culminates raises further questions, and I will not pretend that this study, for all its length, has given them the attention they deserve. Scholars of the fifth-century intellectual milieu at Athens, for one, will

⁵ So also Kirkwood (1982: *ad* 43).

want to consider this connection of ethics and oracles—the idea that the oracle contains and is *themis*—and determine whether the insight is traditional, rationalist, or part of a religious reaction to sophistry and demagoguery. The case of Sophocles, in particular, is vexed, since this novel usage of *themis* appears to be a feature of his later works: in the *Oedipus Tyrannos*, for example—a work in which oracles are central but was likely composed a few decades prior to *Philoctetes* and *Oedipus at Colonus*—*themis* appears only once as a kind of religious restriction (993).⁶ Because the oracle recounted in this tragedy predicts both kin-killing and incest, it seems quite distant from the poet's later insight, and it is perhaps no accident that Sophocles declined to thematize *themis* in any way. The question remains on the table whether it was a consideration of *themis*' role in Aeschylean kin-killing, combined with the demands of the oracle in *Oedipus Tyrannos*, that prompted Sophocles to reflect on the oracular aspect of *themis* and its relationship to ethical norms in his later works. These are questions I raise now, but leave unanswered.

What I hope, above all, that this study has brought to light is the complex role that *themis* plays in archaic and classical Greek thought. For although much of my discussion has focused on literature and specific passages, it is the unspoken assumption of this work that when one understands *themis* and its nearly limitless implications and uses, one actually understands quite a bit about ancient thinking about society, the cosmos, the gods, nature, myth, and the human condition. *Themis* is integral to all of these aspects of ancient thought, and via an analysis of its appearances in literature and beyond, I hope to have made a case for the term's complex profundity.

⁶ As is appropriate for a term with *themis*' ritual implications: see p. 2, n. 2; pp. 42-53, (*supra*).

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