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Conflating Piety and Justice in Euripides' *Orestes*

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Abstract: *Scholars have long debated the exact difference between what is “pious” (ῥσος) and what is “lawfully right” (δίκσος). Many agree that τὰ ῥσσσ are actions or deeds that please the gods, while τὰ δίκσσ are mortal customs. Although, by definition, these two realms of justice are distinct, they are largely conflated in Euripides' Orestes. In the end, piety (ῥσος) trumps justice (δίκσος) and even the τὸν κοινὸν Ἐλλήνων νόμον. This paper explores the syntactic differences between these two realms and how Euripides comments on them within the play. After establishing a general trend toward anti-intellectual and religiously motivated sentiment after the scandals of 415 BCE in addition to the many rumors of persecuting intellectuals for impiety, this paper seeks to understand why Euripides departed for Macedon just after the production of the Orestes in light of these sweeping attitudes toward intellectuals and impiety. If, in fact, the intellectuals and philosophers of Athens were being persecuted for their work, Euripides' Orestes comments on the injustice of these allegations of impiety and puts the god Apollo front and center to correct the populace's misgivings and misunderstandings on the meanings of ῥσος and δίκσος. Given these new developments, this paper explicates exactly how the Orestes fits into the political context of its performance in 408 BCE.*

Scholars have long debated the exact difference between what is “pious” (ῥσος) and what is “lawfully right” (δίκσος). Saskia Peels has recently explicated the definitions of each term within the larger context of the 5th century in her semantic study of ῥσος and δίκσος and their cognates.¹ As Josine Blok explains, τὰ ῥσσ are actions or deeds that please the gods, while τὰ δίκσσ are mortal customs.² Clearly, by definition, these two realms of justice are distinct, yet they are largely conflated in Euripides' *Orestes*.³ Despite the thorough and insightful studies of Peels and Blok, the *Orestes* is rarely, if ever, used in the analysis of modern scholarship on this topic, even though the play clearly comments on the relationship between citizens, the *polis*, and the gods and provides prime examples for analyzing the syntactic differences between ῥσος and δίκσος.⁴ By analyzing the various reactions to Orestes' *miasma*, I propose that the two justice systems in the *Orestes* are conflated and thus inform Euripides' portrayal of morality and piety.

Andrej and Ivana Petrovic have recently discussed the *Orestes* among a myriad of other examples in their monograph on purity and pollution.⁵ While they focus on the *Orestes* in their conversation on the separation of the mind and body in terms of purity, this paper focuses on how we can better define the relationship between τὰ ῥσσ and τὰ δίκσσ within the play itself and what commentary the *Orestes* may have on political events of the period.⁶ Although these adjectives are sometimes used synonymously, what is ῥσος is not necessarily δίκσος, and vice-versa. An example of this conflation is seen at the end of the play when a jury of the gods must deliberate over the morality of Orestes' actions and cast “a most pious vote” (εὐσεβεστάτην

¹ Peels 2016. See this text also for an intellectual history of scholarship on ῥσος and δίκσος.

² Blok 2017.

³ Several direct instances can be seen at E. *Or.* 500-503, 545, 1242-45.

⁴ Blok 2017. Peels 2016.

⁵ Petrovic, Petrovic 2016.

⁶ Petrovic, Petrovic 2016: 216-20.

ψηφρον, 1650-52). Orestes meditates on the morality of the matricide throughout the play, while most of the other characters are uncaring about the topic (Helen) or have explicit opinions on the consequences and measures which should be taken to correct the crime (Tyndareus). Orestes is very specific in expressing the dual nature of the murder when he calls the act “impious” (ἀνόσια, 563) but goes on to say “hating [her], I killed my mother justly” (μισῶν δὲ μητέρ’ ἐνδίκως ἀπόλεσα, 572). Thus, this paper seeks to extend our understanding of the varying conceptions of morality in light of recent scholarship and elucidate Euripides’ political commentary on mortal justice and piety at the end of the 5th c. BCE.

Defining ὅσιος vs. δίκαιος

Before analyzing the play, we must adequately define what we will term “ὅσιος” and what we will term “δίκαιος.” In Peels’ study, two central criteria for defining ὅσιος rise above the others: the first is “acknowledging gods as gods, keeping a proper relationship towards them, and honouring them in cultic service,” and the second has “to do with honouring those who are in one’s *oikos*: behaving well towards one’s parents or children, brothers and sisters, other family members, and spouses.”⁷ These two competing definitions are what essentially drive the moral conundrum of the play. Orestes clearly fits the first criterion since he was obeying Apollo in carrying out the matricide; yet, he both fails and succeeds to meet the second. By killing his mother, Clytemnestra, Orestes is both ὅσιος and ἀνόσιος since matricide is impious, but avenging one’s father is pious. Blok’s work on redefining ὅσιος in the context of the public funds gathered in fifth-century Athens is also helpful in finding a more exact definition for ὅσιος. There were two types of religious money: τὰ χρῆμα ὅσια and τὰ χρῆμα ἱερά. As Blok seeks to correct in her work, scholars have long taken ὅσιος to mean “secular” in this context, since the τὰ χρῆμα ἱερά would obviously be the money of the gods.⁸ Blok makes a compelling case that “*hosios* and by implication *ta hosia* when referring to finance, indicated a specification of *dêmosios*, namely the commonly owned money to be spent in a way pleasing to the gods.”⁹ Further, she claims that deeds which are τὰ ὅσια are linked with this definition, since giving money to the *demosion* (τὰ χρῆμα ὅσια) was an act very much in line with the more abstract quality of ὅσιος.¹⁰ Peels’ syntactic analysis supports her argument, since ὅσιος and its cognates are often used to denote “object[s] whose use by a person shows that he/she is ὅσιος or ‘pious’.”¹¹ Thus, something that is ὅσιος directly and beneficially affects one’s relationship with the gods or is in accordance with the wishes of the divine.

In Apollo’s aforementioned line at the end of the play, however, one finds the superlative form of εὐσεβής—not ὅσιος as one might expect.¹² While it may at first seem that Apollo is

⁷ Peels 2016: 34-5. Although Peels states that we cannot presuppose one definition of the word over another, the two top categories only differ by 1% in terms of their appearance within the Greek corpus while the difference between the second definition and the third is 10%. Clearly these two definitions are central to understanding the meaning of ὅσιος. Peels also cites *Or.* 1213 when describing his methodology for compiling these statistics, but incorrectly interprets Orestes’ usage of ἀνόσιος here when describing Menelaus. At this point in the play, it is clear that Menelaus is attempting to claim the rule of Argos for himself (see Petrovic and Petrovic 216-28). Thus, ἀνόσιος preempts Orestes’ final confrontation with Menelaus where he claims that he is equally unfit to rule due to the pollution of his mind (*Or.* 1604).

⁸ Blok 2010: 62.

⁹ Blok 2010: 88.

¹⁰ Blok 2010: 89-91.

¹¹ Peels 2016: 106.

¹² E. *Or.* 1650-2.

speaking with a different nuance than what we have thus far discussed, εὐσεβής is in fact the closest synonym for ὄσιος and its cognate, ἀσεβής, was used to describe cases of impiety in Athenian courts.¹³ Euripides' use of εὐσεβής in this context is exceptionally appropriate since ἀσεβής “often occur[s] in the same texts in emotionally more neutral or positive discourse environments: in factual description... in an abstract description of religious transgressions (Soph. *Seven Against Thebes*)... and in choral song expressing relief about a happy outcome (Eur. *Heracles*).”¹⁴ Therefore, Euripides is making a minor distinction between ὄσιος and εὐσεβής: the former is an emotionally charged adjective while the latter is used for rational and legal contexts.

Contrastingly, Orestes often claims that his act was δίκαιος or that he murdered Clytemnestra ἐνδικῶς. The concept of δίκη is often translated with a religious undertone since, from the time of Hesiod, it has been personified as a goddess. This, as Peels notes, suggests that one should define τὰ δίκαια as “what is right from the imaged point of view of the gods.”¹⁵ She goes on to define the other uses of this concept throughout the Greek corpus, however, finding that δίκη and δίκαιος are typically used to describe what is just according to previously-agreed-upon laws and regulations set forth by a community.¹⁶ Martin Ostwald further demarcates δίκαιος from ὄσιος when he writes, “The change from *thesmos* to *nomos* came about at time when the Athenians were disenchanting with living under laws imposed on them from above and decided instead to consider as laws only norms which they themselves had ratified and acknowledged to be valid and binding.”¹⁷ In accordance with the predominant use of this term in the Athenian legal system, Peels' definition is compelling and will be beneficial for understanding the characters' conceptions of law in the *Orestes*.

Given that the epigraphical evidence for Blok's argument dates securely to the latter half of the fifth century, her definition of ὄσιος and how its financial nuance correlates to the actions of mortals is even more compelling for interpreting Euripides' *Orestes*.¹⁸ Thus, in analyzing the *Orestes*, I will take the meaning of ὄσιος (and thus its synonyms) to be a state of being or a quality which benefits one's relationship with the gods or an act that seeks to fulfill a divine wish. Similarly, I will subscribe to Peels' definition of δίκαιος as something in accord with the previously defined laws, regulations, or customs of a community. With these terms securely defined, I will now examine their use within the *Orestes*.

In the Words of the Characters

While the scheming characters (Helen and Menelaus) and the messengers do not use these terms frequently, Electra, Orestes, Pylades, and Tyndareus all use them often throughout the play. Every character is quick to blame others for acting against the gods (ἀνόσιος) but slow to positively define what is pious or just (ὄσιος or δίκαιος). In fact, ἀνόσιος occurs ten times throughout the play while ὄσιος only occurs four times. Similarly, δίκαιος and ἐνδικός are

¹³ Peels 2016: 106; Parker 2004.

¹⁴ Peels 2016: 106.

¹⁵ Peels 2016: 107.

¹⁶ Peels 2016: 108-10. Peels provides additional insight on the meaning of δίκη by briefly tracing its etymology. It is easier to understand how this word came to be used for the legal systems of 5th cent. Athens given its relation to δείκνυμι (‘to show or ‘to point out’). Thus, as Peels notes, the root *deik-* contains the notion of a dividing line as in the modern linguistic adjective ‘deictic.’

¹⁷ Ostwald 1969: 55.

¹⁸ Blok 2010: 66.

employed ten times in total while ἄδικος only appears six times.¹⁹ It appears, then, that characterizing a person or act in the negative aspect of something like justice or piety is far easier to do than describe the positive aspect. In fact, Peels convincingly argues for a self-contained and pragmatic usage of ἀνόσιος apart from its simpler meaning as the opposite of ὅσιος. Peels suggests that calling someone ἀνόσιος is more emotionally charged than simply saying that they are οὐχ ὅσιος and that this term is often applied in the context of supplication.²⁰ Orestes immediately invokes this sense, though without the actual word, in his invective against Menelaus when he refuses to purify him, later calling him an ἀνόσιος πατήρ.²¹ These characters clearly know, or at least have opinions about, what is not pleasing to the gods or what is not just in terms of mortal law, yet their understanding of τὰ ὅσια and τὰ δίκαια seems limited at best. In my analysis of how the characters conceptualize the meanings of ὅσιος and δίκαιος, I will delineate the conservative rhetoric of Tyndareus, the intellectual resonances of Electra, Orestes, and Pylades, the pragmatic and conniving qualities of Menelaus and Helen, and finally, how all of these different perspectives closely parallel the varying attitudes towards piety, justice, and the anti-intellectual sentiments at the end of the fifth century, as defined by the Hellenistic writers.

I will first attend to the largely conservative rhetoric of Tyndareus. While he thinks that Orestes acted both unjustly and impiously, he believes that Orestes would have been correct with regards to both realms if he has simply exiled Clytemnestra instead of murdering her. Having now properly defined δίκαιος, we can more clearly understand Tyndareus' statement:

εἰ τὰ καλὰ πᾶσι φανερά καὶ τὰ μὴ καλὰ,
 τούτου τίς ἀνδρῶν ἐγένετ' ἀσυνετώτερος,
 ὅστις τὸ μὲν δίκαιον οὐκ ἐσκέψατο
 οὐδ' ἤλθεν ἐπὶ τὸν κοινὸν Ἑλλήνων νόμον;

If what is right and what is wrong are clear to all,
 then who was more mindless than
 he who did not examine the law nor came upon
 the common custom of the Greeks?²²

Tyndareus claims that Orestes foolishly ignored the requirements of the law and directly links that with “the common custom of the Greeks” (τὸν κοινὸν Ἑλλήνων νόμον), thus supporting our definition. He is correct that Orestes' matricide was illegal according to Greek law. Neither Orestes nor Menelaus provide any convincing arguments to the contrary since the prohibition of parricide was a sacral law in Athens.²³ Tyndareus follows up his previous statement saying that “He needed to bring about a penalty of blood, pursuing a holy act, to cast his mother from the house” (χρῆν αὐτὸν ἐπιθεῖναι μὲν αἵματος δίκην, / ὅσιαν διώκοντ', ἐκβαλεῖν τε δωμάτων/ μητέρα, 500-502). In his statement, we see the clear juxtaposition of δίκη and ὅσιος as the audience would have heard the words in sequence. Tyndareus then conflates τὰ ὅσια and τὰ δίκαια to meet his own conclusion; namely that exiling Clytemnestra would have been both δίκαιος and ὅσιος while Orestes' actions were neither. He even urges Menelaus not to aid Orestes when he says,

¹⁹ Three of the times that ἄδικος occurs are gathered in polyptoton

²⁰ Peels 2016: 91-5, 106.

²¹ E. Or. 718-25; E. Or. 1213.

²² E. Or. 494-95. All translations are my own.

²³ Parker 2004.

“Menelaus, do not act against the gods, wishing to help this man” (Μενέλεως, τοῖσιν θεοῖς μὴ πρᾶσσ’ ἐναντί’, ὠφελεῖν τοῦτον θέλων, 534-35). Tyndareus’ accusations of impiety against Orestes and attempt to influence Menelaus offer close parallels with the extensive allegations of impiety at the end of the fifth century, as will be shown in the following section.

Orestes, as well as Electra and Pylades by association, are subsequently on the opposite side of this parallel and correlate closely with the intellectuals of the late fifth century. Orestes never describes the matricide as ὄσιος—only δίκαιος. While other characters conflate the two, Orestes appears to be consistent in his outlook despite his madness.²⁴ His only use of the adjective ὄσιος is to describe the abstracted act of avenging his father, Agamemnon. Orestes says, “I know it, I, having killed my mother, am impious, but pious by another name, having avenged my father” (ἐγὼ δ’ ἄνοσιός εἰμι μητέρα κτανών,/ ὄσιος δέ γ’ ἕτερον ὄνομα, τιμωρῶν πατρί, 546-7). Orestes summarizes the moral conundrum of play in these two lines: impious in one sense, and pious in another. He is thus fully aware that murdering his mother is in no way beneficial to his relationship with the gods, yet he committed the act under the direction of Apollo. He specifically claims in his speech to Agamemnon’s grave that his action was δίκαιος and that he had the legal, if not moral, right to murder Clytemnestra:

...διὰ σὲ γὰρ πάσχω τάλας
 ἀδίκως: προδέδομαι δ’ ὑπὸ κασιγνήτου σέθεν,
 δίκαια πράξας: οὐ θέλω δάμαρθ’ ἐλών
 κτεῖναι: σὺ δ’ ἡμῖν τοῦδε συλλήπτωρ γενοῦ.

For it is because of you that I, wretched, suffer
 unjustly: I am betrayed by your brother,
 having acted justly: Taking his wife, I do not wish
 to kill her: you shall be our accomplice in this.²⁵

Orestes unmistakably establishes his legal innocence in this matter, contrasting his suffering as unjust (ἀδίκως) with his just deeds (δίκαια). Electra buttresses Orestes claim by drawing attention to the injustice of Apollo at the onset of the play: “Loxias then uttered, uttered unjust commands, when upon the tripod of Themis he pronounced the unnatural murder of my mother.” (ἄδικος ἄδικα τότε ἄρ’ ἔλακεν ἔλακεν, ἀπόφρονον ὅτ’ ἐπὶ τρίποδι Θέμιδος ἄρ’ ἐδίκασε φόνον ὁ Λοξίας ἐμᾶς ματέρος, 160). Aside from the contemplation of injustice, however, Electra prominently evokes the philosopher, Anaxagoras, in the prologue and supplies the trio’s plan for killing Helen and capturing Hermione, thus paralleling herself with the intellectuals of the late fifth-century. While Electra’s position in the trio is largely ancillary, Pylades is wholeheartedly on Orestes’ side throughout the entire play and pledges himself to Orestes without a second thought. He does express doubt, however, as to whether the citizens of Argos will believe Orestes’ account that the matricide was in fact a just action.²⁶ This distrust of the populace is consonant with Pylades’ events which precede the temporal setting of the play, namely his expulsion from Phocis at the order of his own father. Thus, Pylades is present in this play only because his father exiled him from Phocis for participating in an impious act (ἄνοσιος).²⁷

²⁴ Tyndareus: 494, 500, 505, 535; Menelaus: 370, 1604;

²⁵ E. Or. 1225-30.

²⁶ E. Or. 775.

²⁷ E. Or. 765.

Different from both Tyndareus and Orestes, Menelaus and Helen have no general parallels and represent two politically pragmatic individuals scheming to improve their own status. Petrovic and Petrovic astutely summarize how Menelaus comes across as a “calculating villain” and his goals to rule over Argos, which are clearly supported by Apollo’s statement at the end of the play when he says, “Menelaus, allow Orestes to rule over Argos (Ἄργους δ’ Ὀρέστην, Μενέλεως, ἕα κρατεῖν, 1660).²⁸ Further, it seems that Helen is a knowing accomplice to Menelaus’ scheme, as evidenced by Orestes’ statement that “indeed she is putting her seal on everything” (δὴ πάντ’ ἀποσφραγίζεται, 1108). Additionally, Menelaus only calls the matricide “ἀνόσιος” once throughout the play, yet he brings up justice twice: first when he wants to know if Helen died justly (ἐνδικός) and for a second time when he indignantly asks Orestes if it is just (δίκαιος) that he should be the one to live.²⁹ These two instances of Menelaus questioning the justice of events within the play center solely around the attempted murder of Helen—not the murder of Clytemnestra.

Helen, in fact, only refers to Orestes’ *miasma* in passing, saying that she does not fear being polluted since she in fact blames the god Apollo for this mistake.³⁰ This short line has larger implications for the rest of the play, however, as some scholars have understood Helen and Orestes to be the central focus of the plot.³¹ This is a somewhat satisfactory explanation given that the two characters ultimately meet with Orestes acting out a new matricide, although Helen is not his own mother. Scholars often contest Helen’s role and significance in the play. For the purposes of this paper, however, it will suffice to understand her as a pragmatic and selfish accomplice to Menelaus’ scheme to rule Argos.

Euripides makes the commentary of this play exceptionally clear in the Messenger’s account of the assembly. It is as if the Messenger links the world of the drama with the real fifth-century Athens of Euripides’ time. In the Messenger’s description of the events, the audience receives four perspectives on the situation: two in favor of Orestes and two opposed, but largely feeding their own political glorification. Menelaus is not present however to defend Orestes, thus dramatizing the earlier failed supplication.³² The Messenger negatively relates the political tones of Argos, especially the “two-faced speech” of Talthybius:

ἔλεξε δ’, ὑπὸ τοῖς δυναμένοισιν ὧν ἀεὶ,
διχόμυθα, πατέρα μὲν σὸν ἐκπαγλούμενος,
σὸν δ’ οὐκ ἐπαινῶν σύγγονον, καλοὺς κακοὺς
λόγους ἐλίσσων, ὅτι καθισταίη νόμους
ἐς τοὺς τεκόντας οὐ καλοὺς: τὸ δ’ ὄμμ’ ἀεὶ
φαιδρωπὸν ἐδίδου τοῖσιν Αἰγίσθου φίλοις.

He spoke, always under the influence of those in power,
a two-faced speech, on one hand exceedingly praising your father,
on the other not recommending your brother, whirling around his
good and bad words, that this would establish laws to not good parents:
and he was constantly giving beaming eyes towards the friends of Aegisthus.³³

²⁸ Petrovic, Petrovic 2016: 227.

²⁹ E. Or. 370, 1510, 1604.

³⁰ E. Or. 75-6.

³¹ See Smith 1967.

³² Petrovic, Petrovic 2016: 225-27.

³³ E. Or. 889-95.

Euripides clearly marks out Talthybius as a self-aggrandizing politician seeking to take advantage of Orestes' trial in order to improve his own political standing. Similarly, Euripides launches into an invective about the third speaker, though no name is given, calling him persuasive (πιθανός), ignorant (ἀμαθής), and evil (κακὸν μέγα).³⁴ Moreover, he contrasts this man with “those who always give the best counsel with their mind, are useful to the state, though not always immediately” (ὅσοι δὲ σὺν νῶ χρηστὰ βουλευούσ' ἀεί, κἂν μὴ παραυτίκ', αὔθις εἰσι χρήσιμοι πόλει, 908-10). This description largely fits any intellectual or philosopher from the late fifth century which thus suggests that the Messenger's recount of the assembly serves as a commentary on the political context of the period.

In many ways, Apollo's theophany as the *deus ex machina* at the end of the play wraps up this political and social commentary although, it does leave modern scholars wanting for a more thorough explanation of Euripides' elusive meaning. While Wesley Smith goes too far in arguing that the audience left to determine whether this Apollo is real or imaginary, as if an *eidolon* from the *Helen*, he does accurately describe Euripides' style in leaving much of the concluding to the audience.³⁵ Without Apollo's divine intervention to set the relationships between the characters, the *polis*, and the gods straight, the world as this play's characters knew it would have surely been doomed. Thus, Euripides depicts Apollo as the paragon of, or at least the one most knowledgeable about piety.³⁶ Of course, Apollo is also the god of rationality, which lends him some credibility with regard to legal judgement and credits his pronouncement of the divine trial for Orestes.

Without the arrival of Apollo to rectify the community of Argos, there would have been large-scale bloodshed and violence and the original problem of Orestes' *miasma*—as well as his moral conundrum—would not have been solved. Although Euripides is often known for distancing himself from commenting on the divine, Apollo takes on the role of supreme arbiter in order to correct the moral debate. Thus, the moral code in this play comes directly from the gods and the characters follow Apollo's orders willingly, even enthusiastically. Because of this, the actions that Apollo orders, τὰ ὄσια, become τὰ δίκαια. Additionally, Apollo's epiphany at the end of the play provides yet another connection to contemporary political events of 408 BCE. Athenians clearly understood Apollo as a central figure to the plague of 530 BCE, as evidenced by the purification of Delos and the introduction of the cult of healing son of Apollo, Asklepios, in 421 BCE in attempts to remedy the plague of 430 BCE.³⁷ Moreover, Apollo's orders at the end of the play rectify the mortal trial and push back on the decisions of those at the Assembly. Loukas Papadimitropoulos compellingly argues that “the message of the play, that is the divine sanction of the wish for survival and civic power, probably illustrates Euripides' own perception of the surrounding political reality after twenty-three years of the Peloponnesian War.”³⁸ It is certainly clear that, given the lingering effects of the plague, the Peloponnesian War, and the trend of anti-intellectual sentiment, Euripides' *Orestes* contains social commentary on the social and political events of its time.

³⁴ E. Or. 904-15.

³⁵ Smith 1967: 307.

³⁶ Although Orestes directly calls him ἀνόσιος in his speech to Tyndareus, we must understand that, in an effort to convince his grandfather of his own innocence, Orestes attempts to shift the focus of the argument onto Apollo.

³⁷ Parker 1996: 200; Parker 2011: 273-277.

³⁸ Papadimitropoulos 2011: 506.

Charges of Impiety in Athenian Law Courts

Although Mary Lefkowitz has convincingly shown that the accounts of Hellenistic biographers are not to be trusted, especially in the case of Euripides, their narratives cannot be entirely discounted.³⁹ The rumors of a so-called “witch-hunt” and sweeping accusations of impiety as accounted in these Hellenistic sources, while not likely to be entirely factual, demonstrate a public trend towards distrusting intellectuals at the end of the fifth century.⁴⁰ Since the characters of the *Orestes* wish to prosecute Orestes for his matricide—a crime which would be counted as impiety (ἀσέβεια)—the evidence for these alleged cases of impiety in Athens are paramount to understanding the play.⁴¹ The *Orestes* was originally performed in 408 BCE, which was twenty-two years after the beginning of an awful plague; seven years after the mutilation of the Herms and profanation of the Mysteries; the very same year that Alcibiades returned to Athens to stand trial for those crimes; and just nine short years before Socrates would be famously executed for impiety.⁴² Although the evidence is contested by modern scholars, there is mention of several similar prosecutions for impiety that took place in the years preceding the production of the *Orestes*.⁴³ Anaxagoras may have been tried for impiety in the years immediately preceding 428 BCE which places his trial as a *terminus ante quem* for this paper’s discussion on the impiety trials.⁴⁴ In a similar attempt to suppress intellectualism, Protagoras’ writings are said to have been burned in the Athenian agora and the man himself prosecuted for impiety.

While the extant accounts of Anaxagoras’ trial are contested, it is indisputable that Hellenistic sources viewed his exit from Athens as a marker of anti-intellectualism and impiety. Diogenes Laertius, Plutarch, and Satyros write that Anaxagoras was tried for impiety.⁴⁵ Diodorus, however, states that he was simply tried as a sycophant.⁴⁶ Further theories exist about how he left Athens and for what reasons, but do not contribute to the argument of this paper.⁴⁷ He is even alluded to in the *Orestes* by Euripides, as Electra directly evokes Anaxagoras’ controversial theory about the sun in the prologue:

ὁ γὰρ μακάριος — κοῦκ ὄνειδίζω τύχας —
Διὸς πεφυκῶς, ὡς λέγουσι, Τάνταλος
κορυφῆς ὑπερτέλλοντα δειμαίνων πέτρον
ἀέρι ποτᾶται: καὶ τίνει ταύτην δίκην,
ὡς μὲν λέγουσιν, ὅτι θεοῖς ἄνθρωπος ὢν
κοινῆς τραπέζης ἀξίωμ’ ἔχων ἴσον,
ἀκόλαστον ἔσχε γλῶσσαν, αἰσχίστην νόσον.

³⁹ Lefkowitz 2012: 87-103; Dover 1976: 41-2; Willink 1986: 25-28.

⁴⁰ Todd 1993.

⁴¹ See Dem. 22.2 on patricide (and presumably matricide) being considered a case of impiety; also, Parker 2006: 202, for Parker’s footnote on the likeliness of hatred and political anxiety buttressing charges of impiety in Athenian courts; similarly, Parker: 2004.

⁴² For the plague, see Parker 2006: 65. Parker’s analysis on the vestigial effects of the plague on Athenian faith and religion in Athenian society is compelling; for the scandal of 415, see Thuc. 6.27–9 and 60-61, and also Todd 1993: 312-15.

⁴³ See Parker 2006: 66; Dover 1988: 148-55; and Lefkowitz 2012: 87-103.

⁴⁴ Diog. Laert. 2.3.7; according to Apollodorus, Anaxagoras died in 428 BCE in Lampsacus.

⁴⁵ Diog. Laert. ii 12; FHG iii 163, fr. 14.

⁴⁶ Diod. 12.39.2.

⁴⁷ For an overview of the sources describing Anaxagoras’ flight from Athens, see Dover 1988: 138-141.

For O blessed man—and I do not reproach your misfortunes—
born from Zeus, as they say, Tantalus
flies hither and thither in the air, fearing a rock
suspended over his head: and he pays the penalty,
as they say, since he was deemed worthy to share a common
table with the gods as an equal, though being a man,
and held an unbridled tongue, a most shameful disease.⁴⁸

Electra's description of Tantalus fearing the rock hovering above his head immediately calls to mind Anaxagoras' theory that the Sun should be understood as a fiery rock and that stoning was a likely method for execution. Further, Electra's statement that "he pays the penalty" (τίνει ταύτην δίκην) prepares the reader for the dialogues on justice and piety, the central theme of the play. Later writers say that it was not Anaxagoras who first proposed this theory about the Sun, but Tantalus himself which is why he was originally punished. However, this is likely due to limited understanding of the tragedies in the Hellenistic period.⁴⁹ Nevertheless, these lines of the prologue would have immediately evoked a mental connection with Anaxagoras for Euripides' audience in 408. Regardless of the inconsistencies in extant references to Anaxagoras' trial, it is clear that Euripides is evoking his philosophical work in this first passage of the *Orestes*.

Another writer and philosopher, Protagoras, is said to have been banished from Athens for the content of his work, "Περὶ θεῶν," which Diogenes quotes: "I do not believe to know anything about the gods, whether they exist or whether they do not exist: for there are many things preventing us from knowing, both the uncertainty and shortness of a man's life (περὶ μὲν θεῶν οὐκ ἔχω εἰδέναι οὔθ' ὡς εἰσὶν, οὔθ' ὡς οὐκ εἰσὶν: πολλὰ γὰρ τὰ κωλύοντα εἰδέναι, ἢ τ' ἀδηλόγητος καὶ βραχὺς ὢν ὁ βίος τοῦ ἀνθρώπου, 9.8.51). Diogenes then states that this book was the very reason the Athenians expelled him from the city and ordered that his texts be burnt.⁵⁰ Protagoras is likewise associated with Euripides. Protagoras' first work "Περὶ θεῶν," in which he outlines his views on the ability to truly know the gods, was presented in Euripides' own home.⁵¹ Though these links between Protagoras and Euripides are tenuous given Diogenes limited knowledge of actual historical truths, these claims, in combination with the spurious record of his trial for impiety as related in Aristotle's *Rhetoric*, fold Euripides in directly with the allegedly impious philosophers of the late fifth century.⁵² Aristophanes likewise establishes these claims in *Frogs*, where he claims that Euripides' gods are not those of the traditional Athenian man, and in *Thesmophoriazousae* where a woman alleges that Euripides "persuades people that the gods do not exist" (νῦν δ' οὗτος ἐν ταῖσιν τραγωδίαις ποιῶν τοὺς ἄνδρας ἀναπέπεικεν οὐκ εἶναι θεοὺς, 450-51).⁵³ In spite of the spurious biographers, Aristophanes' references are more concrete since they are contemporary with Euripides' work.

The cases of 415 concerning the mutilation of the herms and the revealing of the mysteries centered on Alcibiades and four other young students of Socrates.⁵⁴ This, as Parker demonstrates, furthers the argument that there was a general trend in prejudice against

⁴⁸ E. Or. 4-10.

⁴⁹ Willink 1986: 79-80.

⁵⁰ Diog. Laert. 9.8.52.

⁵¹ Diog. Laert. 9.8.54.

⁵² Arist. *Rhet.* 1416a.

⁵³ Ar. *Ran.* 889-94.

⁵⁴ Ostwald 1987: 537-50.

intellectuals as Atheists and that the Athenian populace likely held them in a negative view.⁵⁵ As Todd and Dover note, much of the scholarship up to this point is inconclusive on the motives behind this desecration, although Osborne compellingly explains a possible connection to the Sicilian Expedition which Alcibiades commanded.⁵⁶ Whatever the motive behind the destruction of these herms, the act caused an unprecedented meeting of religion and politics for fifth-century Athenians and was blatantly politicized by those wishing to scandalize certain public figures.⁵⁷ These cases against allegedly impious intellectuals demonstrate a trend in Athens resembling a witch-hunt for those in ill-favor with the Athenian populace—a witch-hunt that finds its *telos* in the execution of Socrates. Hellenistic biographers tend to conflate the stories of these intellectuals, which make for specious histories, yet the principle notion that there were at least rumors of impiety is sufficient for understanding the *Orestes* as a commentary on such events. Consequently, vestiges of this persecution of intellectuals can be seen in the character’s debates on whether the matricide was ὄσιος or δίκαιος and what actions should be taken against Orestes, as I explicated in the previous section.

It seems then that charges of impiety (ἀσεβεία) had become a synonym for wrong-doing in and of itself due to the conflation of political and religious definitions of justice.⁵⁸ Robert Cohen mentions Isocrates’ *Panathenaicus*, in which his former pupil praises the Spartans’ ways of life and Isocrates calls such a statement false (ψευδῆ) and impious (ἀσεβῆ), as an example of this conflation.⁵⁹ However, this instance seems to be yet another manifestation of the, by this time, deeply embedded hatred towards the Spartans and the tradition of denouncing anything contrary to the Athenian way as impious.⁶⁰ Cohen goes on to write that the notion of “heresy trials” or a witch-hunt, as I have referred to them here, evidence a wishful modern interpretation of the past instead of any real persecution.⁶¹ Given the evidence for a trend in systemic distrust for intellectuals such as Anaxagoras, Protagoras, Socrates, and their students, it is fitting that Euripides, an intellectual with the power to influence the large audiences of the Dionysia, would comment on such events, especially in the time immediately preceding his departure from Athens.

Conclusion

Euripides’ *Orestes* thus centers itself around the moral problem of determining how piety and justice should be defined and interact. Since it is up for public debate, Orestes’ conflict on the morality of his act becomes the central focus of the play and we hear several characters’ opinions about the matter. Helen is incredibly passive, as if empathetic to Orestes’ struggle, while Menelaus takes on a pragmatic approach, acting and speaking in whatever way he believes will help him claim the throne of Argos. Tyndareus, the largely conservative voice in the play, displays enormous outrage at the act and physically removes himself from Orestes’ presence for

⁵⁵ Parker 1996: 206-7.

⁵⁶ Todd 1993: 312-15; R.G. Osborne 1985: 53-4, 65-6. Osborne analyzes the symbolism of herms with reference to journey, travel, confrontation, victory, and authority with specific emphasis on the Sicilian Expedition.

⁵⁷ Todd 1993: 315.

⁵⁸ Cohen 1991: 204-5.

⁵⁹ Isoc. *Panath.* 202-3.

⁶⁰ Isocrates supposedly wrote this in his 98th year, which dates this speech to a time long after the execution of Socrates. It is still relevant to this discussion, however, for its blatant exemplification of the intrinsic rhetorical tactic of denouncing one’s opponent as impious.

⁶¹ Cohen 1991: 211.

fear of contracting *miasma*. Meanwhile, Electra and Pylades faithfully side with Orestes through every misfortune. Yet, in spite of all these mortal opinions and judgments, Apollo's orders at the end of the play are carried out without question and the legal ramifications of Orestes' acts are forgotten. In this play, piety (ἴσσιος) trumps justice (δίκαιος) and even the τὸν κοινὸν Ἑλλήνων νόμον.

Given the evidence for a general trend toward anti-intellectual and religiously motivated sentiment after the scandals of 415 in addition to the many rumors of persecuting intellectuals for impiety, it is certainly possible that Euripides read the metaphorical "writing on the wall" and fled Athens before becoming yet another victim of this persecution. It cannot be mere coincidence that Euripides departed for Macedon just after the production of the *Orestes* in light of these sweeping attitudes toward intellectuals and impiety.⁶² If, in fact, the intellectuals and philosophers of Athens were being persecuted for their work, Euripides' *Orestes* comments on the injustice of these allegations of impiety and puts the god Apollo front and center to correct the populace's misgivings and misunderstandings on the meanings of ἴσσιος and δίκαιος.

⁶² Papadimitropoulos 2011: 506.

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