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Abstract

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1 The retrieval and subsequent burial of the war dead in classical
 2 Greece was considered an important component of any given battle.
 3 Scholarship has observed how the retrieval of the war dead in the
 4 classical period could determine the outcome of a battle, as well as
 5 how the commemoration of the war dead functioned as a tool of civic
 6 identity, especially in the city of Athens.² Although the above obser-
 7 vations provide sufficient motivation for the recovery of the battle
 8 dead, this paper proposes an additional impetus for their collection:
 9 religion. Although scholars have often noted that Greek customs sur-
 10 rounding the war dead were motivated by religious concerns, what
 11 those religious concerns were have not been elaborated.³ This paper
 12 makes a preliminary attempt to remedy this gap by exploring the
 13 relationship between the war dead and the gods. I argue that the war
 14 dead were considered the property of the gods and were afforded
 15 special protections for this reason. Moreover, the proper burial of the
 16 war dead was necessary to transfer the war dead from the custody
 17 of the human world to the gods below. Such a transfer maintained
 18 the relationship between the *polis* and the gods, ensuring its contin-
 19 ued existence.

20 This paper begins by defining the scope of the inquiry and
 21 addressing problems of evidence with respect to the study of the
 22 war dead and their burial in ancient Greece. Although the material
 23 and literary record is compromised by several factors, the surviv-
 24 ing evidence sheds light on the evolving relationship between the
 25 dead and the gods. It appears that customs and laws (*νόμον συνήθειαν*)
 26 regarding the war dead differed in the archaic and classical periods.
 27 Namely, there was a greater insistence on the proper management
 28 of the war dead in the classical period. This increased emphasis was

29 2. Nathan T. Arrington, *Ashes, Images, and Memories: The Presence of the War*
 30 *Dead in Fifth-Century Athens* (Oxford: Oxford University Press, 2014); A. J. Jackson,
 31 "Hoplites and the Gods: The Dedication of Captured Arms and Armour," in *Hop-*
 32 *lites: the Classical Greek Battle Experience*, ed. Victor Davis Hanson (London: Rout-
 33 *ledge, 1993), 228–49; Cezary Kucwicz, "War Dead in Ancient Greece: Ancestral*
 34 *Custom," Ancient Warfare 9, no. 6 (2016): 28–35.*

35 3. Authors that have briefly noted the religious dimensions of the custom of
 36 collecting the war dead include Nicole Loraux, *The Invention of Athens: The Funeral*
 37 *Oration in the Classical City*, trans. Alan Sheridan (Cambridge, Mass.: Harvard Uni-
 38 *versity Press, 1986); Pamela Vaughn, "The Identification and Retrieval of the Hoplite*
 39 *Battle-Dead," in Hoplites: the Classical Greek Battle Experience*, ed. Victor Davis Hanson
 40 *(London: Routledge, 1993); Adrian Lanni, "The Laws of War in Ancient Greece," Law*
 41 *and History Review 26, no. 2 (2008); and W. Kendrick Pritchett, The Greek State at War,*
 42 *Part IV (Berkeley: University of California Press, 1985).*

1 likely due to religious concerns. Laws of warfare related to sacred
2 space, particularly those which pertained to sanctuaries and temple
3 property, appear to be important here. It is in the context of sacred
4 property that we should place the importance of burial; the war dead
5 were considered the property of the gods—their share of the spoils
6 of war. Viewing the war dead as the “property of the gods” suggests
7 that burial was a necessary step in transferring the war dead to the
8 gods. Such a transfer was essential to maintaining the delicate rela-
9 tionship between the humans and the gods and is consistent with
10 the propitiatory nature of Greek religion which sought, above all, to
11 ensure collective stability; to neglect the war dead was to neglect the
12 gods and jeopardized the offending collective. It may be concluded
13 that the increased emphasis on proper burial of the war dead in the
14 classical period was intimately connected to religious concerns; con-
15 signing the war dead to the gods maintained balance between the
16 human and divine spheres and ensured security for the vulnerable
17 *polis* in the midst of war.

18 *War Dead in Classical Greece*

19 The era that we describe as classical Greece stretches approximately
20 from the end of the sixth century BCE to the late fourth century BCE.
21 It encompasses two major wars that occupied Greece during this
22 time, the Persian wars and the Peloponnesian war. This period is
23 fruitful for investigation for several reasons. First, there is significant
24 historical testimony for this period. Second, the classical evidence
25 for the treatment of the war dead is demonstrably different from the
26 archaic period. Scholarship seems to be in agreement that the lavish
27 funerals depicted in Homeric literature were not typical of archaic
28 funerary practices. Moreover, Homeric-era practices are not sup-
29 ported in the archaeological record.⁴ In short, as much as Homeric
30 literature may indicate the values which archaic audiences held with
31 respect to the war dead, the funerals depicted in these works, such
32 as the funeral of Patroclus (*Iliad*, 23.105–230), may be literary exag-
33 gerations rather than historic fact. The evidence for the treatment of

34 4. John Boardman and Donna C. Kurtz, *Greek Burial Customs* (New York: Cor-
35 nell University Press, 1971), 186–87; Ian Morris, *Burial and Ancient Society: The Rise of*
36 *the Greek City-state* (Cambridge: Cambridge University Press, 1987), 211. Despite the
37 cogent observations of Boardman et al., it should be noted that many of the practices
38 depicted in Homer, such as the pouring of libations and offering of hair, would not
39 survive in the material record.

1 the war dead is thus much more secure for the classical era than the
2 archaic period.

3 I define religion as *interactions between humans and the divine sphere*.
4 The divine sphere in the Greek world included the gods proper,
5 but also figures who received veneration such as heroes, ancestors,
6 nymphs, as well as places and objects deemed to be sacred. At its
7 core, Greek religion was focused on maintaining the relationship
8 between the humans and the divine through propitiation (sacri-
9 fice, dedications, honours) and validation of that correct relationship
10 through divinatory means, such as oracles or other forms of proph-
11 ecy (e.g. the peripatetic *mantis*).⁵ Religion had a significant place on
12 the battlefield. The will of the gods was consulted for every military
13 undertaking, the gods were propitiated on the field of battle, and the
14 spoils of war were turned over the gods in the event of a successful
15 outcome.⁶ It is within this matrix of propitiating the gods that the
16 burial of the war dead should be placed.

17 As this paper is focused on the religious dimensions which
18 informed social customs around the war dead, it does not focus on
19 other aspects of war and death which have occupied the bulk of
20 scholarship on the topic. For example, the Athenian funeral orations
21 will not be discussed in significant detail.⁷ Related to the issue of the
22 Athenian funeral oration is the nature of the Kerameikos cemetery
23 (or the *δημόσιον σῆμα*), where the Athenian war dead were buried.⁸
24 Although the location of the Kerameikos holds some import for the
25 question of religion, notably through the religious shrines which pre-
26 date the *δημόσιον σῆμα*, I will not address the popular questions of

27 5. Christiane Sourvinou-Inwood, "Further Aspects of *Polis* Religion," in *Oxford*
28 *Readings in Greek Religion*, ed. Richard Buxton (Oxford: Oxford University Press,
29 2000), 38–55.

30 6. Pausanias, *Pausaniae Graeciae Descriptio*, 5.10.4, 9.3.4, 10.14.5; Plutarch, *Moralia*,
31 761b; Thucydides, *Peloponnesian War*, 6.69.1–2. Pausanias talks about the gods delight-
32 ing in the spoils of war, as well as thank offerings and sacrificial practices on the
33 battlefield. Plutarch talks about the dedication of war spoils and armor. Thucydides
34 mentions the divination rituals and sacrifice that took place before battle.

35 7. Loraux, *The Invention of Athens*; Arrington, *Ashes, Images, and Memories*. See
36 also Jon Hesk, "Leadership and Individuality in the Athenian Funeral Orations,"
37 *Bulletin of the Institute of Classical Studies* 56, no. 1 (2013): 49–65. While funeral orations
38 can shed light on *polis* values, the mechanics of the funeral oration and its social
39 function have been adequately detailed by Loraux and Arrington, both of whom
40 have connected the treatment of the war dead in Athens to the formation of *polis*
41 identity.

42 8. Thucydides, 2.34.

1 where it was located, who was interred there (e.g. was the cemetery
 2 restricted to citizens?), and the extent to which the *δημόσιον σῆμα* was
 3 an actual cemetery (in the modern sense) or if it was simply an *ad hoc*
 4 collection of graves.⁹ I also will not delve into the question of whether
 5 the war dead were heroized. Although this topic intersects with the
 6 question of religion—indeed, heroization involves some degree of
 7 immortalization and thus interaction with the divine sphere—the
 8 topic is outside the scope of the present inquiry.¹⁰ Finally, I will not
 9 treat in detail the “written” laws of Greek burial, such as the Solonic
 10 laws on funerals. These laws tend to be focused on mundane mat-
 11 ters, such as the transfer of property and excessive social displays of
 12 mourning and wealth.¹¹ Although some may argue that Greek soci-
 13 ety didn’t differentiate between religious and secular spheres, the
 14 laws themselves do not speak explicitly to religious matters and thus
 15 do not directly pertain to the topic of this paper.

16 *Problems of Evidence*

17 The study of the war dead is not a straightforward matter. The march
 18 of time has compromised much of the material evidence relating to
 19 the war dead, especially as it relates to burial and monumentaliza-
 20 tion. Perishable burials goods—such as food and offerings made of
 21 perishable materials—are missing from the material record.¹² These
 22 objects would have been part of a more complex funerary ritual,
 23 whose performative aspects elude the material record. As Ian Morris

24 9. Cynthia, Patterson, “‘Citizen Cemeteries’ in Classical Athens?” *Classi-*
 25 *cal Quarterly* 56, no. 1 (2006); Arrington, *Ashes, Images, and Memories*; see also his
 26 “The Location of the Athenian Public Cemetery and its Significance for the Nascent
 27 Democracy,” *Hesperia: The Journal of the American School of Classical Studies at Athens*
 28 1, no. 4 (2010): 499–539. The status of the *δημόσιον σῆμα* has been adequately treated
 29 by Arrington and Patterson.

30 10. The question of heroization has been the subject of many scholarly dis-
 31 cussions. See Richmond Lattimore, *Themes in Greek and Latin Epitaphs* (Champaign:
 32 University of Illinois Press, 1962), 24–52, 99–101; Ian Morris, *Death-Ritual and Social*
 33 *Structure in Classical Antiquity* (Cambridge: Cambridge University Press, 1992), 144;
 34 Arrington, *Ashes, Images, Memories*, 115–20; Loraux, *Invention of Athens*, 39–41; Board-
 35 man and Kurtz, *Greek Burial Customs*, 299–301. Most of the scholars listed here tend
 36 to dismiss the idea that the Greek war dead were heroized. Lattimore provides the
 37 most significant arguments for the immortalization of the war dead.

38 11. Plutarch, *Solon*, 21.

39 12. Boardman and Kurtz, *Greek War Dead*, 64; Ian Morris, *Death-Ritual and Social*
 40 *Structure in Classical Antiquity* (Cambridge: Cambridge University Press, 1992), 13.

1 observes, due to the partiality of material evidence, “the meanings
 2 evoked in the ceremonies are lost forever.”¹³ In absence of material
 3 evidence, the historian must look to supplementary sources, such as
 4 literary accounts, to get at the cultural and religious significance of
 5 Greek funerary rituals. The written record, however, is beset with its
 6 own problems. Casualty lists, which commemorate the war dead by
 7 name, are often fragmentary and divorced from their *in situ* context.¹⁴
 8 Records of funeral orations may contain factual errors or, due to the
 9 pedagogical benefit of the genre, may be entirely fictional.¹⁵ Further
 10 complicating the literary evidence is the authorial selectivity which
 11 can omit commonplaces which are unknown to modern readers, but
 12 which would have been familiar to the ancient audience, such as the
 13 performance of common ritual practices.¹⁶

14 Despite these challenges, the material and literary record do con-
 15 tribute significantly to our understanding of the treatment of the
 16 Greek war dead. The material record, though often speaking to this-
 17 worldly aspects of commemoration, occasionally hints at the reli-
 18 gious world-views that informed Greek practices and beliefs around
 19 the war dead. It is the literary sources, however, which are especially
 20 forthcoming on the religious dynamics behind the imperative to col-
 21 lect and bury the war dead. In this paper, I focus on literary sources
 22 and supplement them, where applicable, within the material record.

23 *Recovering the Dead*

24 The recovery of the war dead after battle was an innovation of the
 25 classical period. As Cezary Kucwicz notes, “Archaic treatment of
 26 the war dead was far removed from the norms and standards of the
 27 Classical period.”¹⁷ In the archaic period, truces were rare, and the
 28 war dead were normally dealt with during battle. If burial did occur,
 29 it likely was reserved for those highest on the social hierarchy, such
 30 as generals. The classical period however, saw a shift to the formal-
 31 ization of war dead collection, one which emphasized the necessity
 32 for burial and funeral rites for all soldiers regardless of social status.
 33 On the one hand, this shift could have been a reaction to Persian cus-
 34 toms encountered during the Persian war. Greeks condemned “the

35 13. Morris, *Burial and Ancient Society*, 211.

36 14. Arrington, *Ashes. Images, Memories*, 63.

37 15. Loraux, *Invention of Athens*, 9–10.

38 16. Boardman and Kurtz, *Greek War Dead*, 148.

39 17. Kucwicz, “War Dead,” 32–34.

Persian practices of the mistreatment, exposure and mutilation of the dead” which soldiers encountered in the war.¹⁸ In this context, the emphasis on proper burial of the war dead should be viewed as a tool of religious differentiation, one which simultaneously set the Greeks apart from the Persians while aligning them with the gods. The change in burial customs could also be a result of the shift towards collective values of the classical period and the growing emphasis on the *polis* (πόλις) and *polis* identity. This is reflected in the shift to the public commemoration of the dead in the Classical period. Arrington observes that, “public burial adopted many of the funerary rites traditionally performed by families.”¹⁹ For example, rituals conducted privately to commemorate the dead, such as the *ta trita* and *ta enata*, were usurped in importance by public funeral rituals.²⁰ In contrast with the Archaic period, where individual families controlled funeral rites, the Classical period marked a turn towards collective control over burial, one in which the *polis* took on the role of the family and commemorated the war dead as the fallen kin of the entire city.

The process of the collection of the war dead began after the battle with a request by one side for a truce to collect their dead. The request for a truce often indicated the victor of a battle: the winner erected a trophy on the field built from the amour of slain enemies, while the defeated party sent out a herald to request a truce.²¹ The collection of the dead under a truce held mythical import in the classical period. Plutarch notes that Theseus was the first to request a truce for collection of the dead, but that Heracles was the first to give back the enemy dead.²² Whatever the origin, the custom, called *ἀναίρεσις*, was solidified by the classical period, where the recovery of the war dead by truce (*ὑπόσπονδος*) was customary, as evidenced by its frequent attestation in Thucydides.²³ Whether it was done under an official truce (*ὑπόσπονδος*), as W. Kendrick Pritchett suggests, or a less formal

18. Kucewicz, “War Dead,” 32–34.

19. Arrington, *Ashes, Images, Memories*, 36–39.

20. Boardman and Kurtz, *Greek War Dead*, 147.

21. Vaughn, “Identification and Retrieval,” 46–49.

22. Plutarch, *Theseus*, 29.4–5.

23. Thucydides, *Peloponnesian War*, 3.7, 3.98.5, 4.114.2, 3.24, 1.50.1, 2.22.2, 2.6.1, 2.79, 2.92.4, 2.80–82. This is just a partial list of accounts in Thucydides. For a more complete list, see Pritchett, *Greek State*.

1 understanding (e.g. Thucydides, 2.22), collecting the dead was of par-
2 amount importance.²⁴

3 Authors often justify the rare instances of neglect of the war
4 dead as the result of extraordinary circumstances.²⁵ Such events are
5 depicted as mentally disturbing and heavy with regret. For example,
6 Thucydides describes the difficult Athenian retreat from Syracuse,
7 and the subsequent lack of burial for the war wounded and the dead:

8 τῶν τε γὰρ νεκρῶν ἀτάφων ὄντων, ὁπότε τις ἴδοι τινὰ τῶν ἐπιτηδείων κείμενον,
9 ἐς λύπην μετὰ φόβου καθίστατο, καὶ οἱ ζῶντες καταλειπόμενοι τραυματίαι
10 τε καὶ ἀσθενεῖς πολὺ τῶν τεθνεώτων τοῖς ζῶσι λυπηρότεροι ἦσαν καὶ τῶν
11 ἀπολωλότων ἀθλιώτεροι. πρὸς γὰρ ἀντιβολίαν καὶ ὀλοφυρμὸν τραπόμενοι ἐς
12 ἀπορίαν καθίστασαν, ἄγειν τε σφᾶς ἀξιοῦντες καὶ ἓνα ἕκαστον ἐπιβοῶμενοι,
13 εἴ τινὰ πού τις ἴδοι ἢ ἐταίρων ἢ οἰκείων, τῶν τε ζυσκήνων ἤδη ἀπίντων
14 ἐκκρεμαννύμενοι καὶ ἐπακολουθοῦντες ἐς ὅσον δύναιτο, εἴ τῳ δὲ προλίποι ἢ
15 ῥόμῃ καὶ τὸ σῶμα, οὐκ ἄνευ ὀλίγων ἐπιθειαςμῶν καὶ οἰμωγῆς ὑπολειπόμενοι,
16 ὥστε δάκρυσι πᾶν τὸ στράτευμα πλησθὲν καὶ ἀπορία τοιαύτη μὴ ῥαδίως
17 ἀφορμᾶσθαι...κατήφειά τέ τις ἅμα καὶ κατὰμεμψις σφῶν αὐτῶν πολλὴ ἦν.²⁶

18 As for the unburied corpses, whenever someone saw someone of their
19 friends laying there, he began to grieve with fear. Living men were left
20 behind due to their wounds and were especially pained at the greatly
21 wounded of those who had died. They turned to prayers and lamentations during the confusing situation. Since they expected their
22 people to take them, and they were calling to each person, if ever
23 one of their friends or companions saw [them]. They were clinging to
24 their fellow soldiers as they left, and they followed them as much as
25 they were able. If their power abandoned their body, they were left
26 without hope and lamentation, with the result that the entire army
27 was filled with tears and set out uneasily in this confusion...at the
28 same time there was much dejection and blame on the soldiers' part.
29 (Author's translation)
30

31 Thucydides depicts the difficulties the Athenians had abandon-
32 ing their fellow soldiers on the battlefield. In addition to feeling personal shame and emotional anguish, the neglect of the war dead
33 was subject to, in Athens at least, legal punishment. Diodorus and
34 Xenophon relate that, during the Peloponnesian war, the death penalty was prescribed for two Athenian generals who did not arrange
35 for the burial of the war dead and thus left the fallen without burial
36 (ἀτάφους).²⁷ We should conclude from these Greek historians that the
37
38

39 24. Pritchett, *Greek State*, 116–17.

40 25. Vaughn, "Identification and Retrieval," 45.

41 26. Thucydides, 7.72–75.

42 27. Diodorus, *Diodorus of Sicily*, 13.101, Xenophon, *Hellenica*, 1.6.35–1.7.34.

1 recovery and burial of the war dead was of great importance in the
2 classical period. To not collect the war dead caused great personal
3 anguish and could be formally disciplined by the *polis*.

4 The war dead who were recovered, however, could expect burial
5 or cremation from their fellow soldiers. Although it is likely that the
6 retrieval and burial of the war dead was a common Panhellenic prac-
7 tice, the exact process differed among the various city-states and even
8 in different time periods.²⁸ Burial might take place on the battlefield,
9 where the bodies of the fallen were buried in mass grave-mounds
10 called *polyandria* (πολυανδρία).²⁹ Pausanias attests that battlefield
11 burial occurred after the battle of Hysiae between the Greeks and
12 the Persians, as well as when the Thebans fought the Macedonians at
13 Chaeronea.³⁰ Xenophon, however, complicates the picture, suggest-
14 ing that the war dead were buried on the battlefield only when the
15 bodies of the fallen were decayed to such an extent that it was impos-
16 sible to transport the dead.³¹ It is thus unclear if battlefield burial was
17 a standard practice or a final measure taken when the bodies of the
18 dead could not be returned home.

19 There is more certainty about Athenian practices due to the depic-
20 tion of the state funeral in Thucydides and the existence of Athenian
21 funeral speeches.³² In the case of Athens, after the Persian Wars, the
22 dead were cremated on the battlefield and their ashes were returned
23 home for formal burial and civic honours.³³ The final resting places
24 of the war dead, regardless of whether at home or abroad, often bore
25 commemorative monuments testifying to the valor of the dead, such
26 as the Athenian casualty lists which named the fallen soldiers.³⁴ The
27 war dead who were not recovered were given burial rites *in absentia*

28 28. Vaughn, "Identification and Retrieval," 42; Pritchett, *Greek State*, 255.

29 29. Nikolas Dimakis, "Ancient Greek Deathscapes," *Journal of Eastern Mediter-
30 ranean Archaeology and Heritage Studies* 3, no. 1 (2015): 31–32; Vaughn, "Identification
31 and Retrieval," 42.

32 30. Pausanias, *Pausania*, 2.24.7, 9.2.5–6, 9.40.10.

33 31. Xenophon, *Anabasis*, 6.4.9.

34 32. Thucydides, *Peloponneisan War*, 2.34–47. In addition to the funeral oration
35 of Pericles in Thucydides, other funeral speeches include works by Demosthenes
36 (*Funeral Speech*) and Lysias (*Funeral Oration*).

37 33. Pritchett, 254; Arrington, 32–35; Loraux, 18–19. These authors note the Athe-
38 nian shift from battlefield burial to repatriation of the soldier's ashes.

39 34. Pritchett, 247; Arrington, 39; Arrington, "The Location of the Athenian
40 Public Cemetery and its Significance for the Nascent Democracy," *Hesperia: The Jour-
41 nal of the American School of Classical Studies at Athens* 1, no. 4 (2010): 510. For the Athe-
42 nian casualty lists, see Arrington, *Ashes*, 91–123.

over a cenotaph—an empty tomb that functioned as the focus of commemoration and symbolically acted as the final resting place of the deceased.³⁵ Since burial rites were performed regardless of the presence of the corpse, we should conclude that funerary rituals were necessary (and effective) even if the dead were physically absent.

Why was it so important for the Greeks to recover their war dead and give them proper burial? This paper argues for a religious dimension to the custom, but scholars have suggested other reasons. Most notably, Nathan Arrington has suggested that, in the case of Athens, the process of repatriating the dead and conducting a public funeral ceremony helped to establish the collective ideals of Athenian democracy. For Arrington, the collective act of mourning and the commemoration of civic virtue inoculated the nascent values of the *polis* into its citizenry.³⁶ Arrington's argument is no doubt correct, even if he focuses on the civic reasons for burial and commemoration—*polis* values can certainly co-exist with religious values, especially if, in the case of Athens, the religious imperative to recover the war dead aided civic goals of commemoration.

But the recovery of the war dead wasn't a specifically Athenian custom, it was Panhellenic, and thus the importance of recovery must have roots in another, more widely applicable reason. Mary Ebbott and Cezary Kucewicz have both suggested that it was the cross-cultural encounters of the Persian wars which gave impetus to the custom of war dead recovery.³⁷ Pausanias suggested that the Persians did not recover their war dead, as does Aeschylus' *Persians*, which observed that even Persian generals were left for naught.³⁸ For Ebbott and Kucewicz, burial of the war dead was one way of differentiating proper Greek religious practices from those of the "barbaric" Persians. This is supported by Pausanias, who reported that the imperative to bury the war dead was a divine (*ῥσιν*) ordinance, one which was so important that it compelled the Athenians to bury the Persian war dead, since the Persians themselves had no similar mandate.³⁹ Like Arrington, Ebbott and Kucewicz are no doubt correct, and they bring us closer to exactly how the Greeks viewed their differences with the Persians. In the case of the war dead, it was no

35. Boardman and Kurtz, 257–58.

36. Arrington, *Ashes Images, Memories*, 2014.

37. Mary Ebbott, "The List of the War Dead in Aeschylus' *Persians*," *Harvard Studies in Classical Philology* 100 (2000): 95; Kucewicz, "War Dead," 34–35.

38. Pausanias, *Pausania* 1.32.5; Aeschylus, *Persians*, 300–10.

39. Pausanias, *Pausania*, 1.32.5.

less than religion that was at stake. Certainly, civic goals and the formation of Greek identity could all be fashioned through the collection and commemoration of the war dead. But the foundation of such mundane imperatives lies in the “unwritten law” of the gods, thus adding a distinct religious dimension to political or social concerns.

The Divine Laws of War

I begin here by investigating the claim that the recovery of the war dead and their burial was a matter of divine law. Two questions are of central focus here: How widespread was this belief and why did the gods care about the war dead? I begin by looking at the terms used to designate the customary laws (*νόμοι συνήθειες*) of war, especially customs which pertained to the war dead. I then turn to divine and human sanctions for denial of war dead burial. Finally, I consider in what ways the burial of the war dead intersected with religious beliefs about the gods on matters of death. In instances where divine law was invoked in matters of war dead recovery, we need to contextualize these assertions within the wider framework of Greek religious beliefs and the reciprocal relationship which existed between humans and the gods.

Sources for the imperative to recover and bury the war dead frequently refer to it as law, or *νομός*. Two types of law are specified in the sources, the customary law of the Greeks and the law (or custom) of the gods. Although it is more common for authors to refer to this law as the “common law for the Greeks,” both terms have a strong connection to the gods and thus likely refer to the same thing; we should not view these laws as different. Where we should make a distinction, however, is between unwritten, or customary, Greek law regarding burial and written Greek law on the same topic (such as the Solonic laws on funerals). These were two distinct forms of law; one was believed to be handed down by the gods, the other written by humans. Adrian Lanni has suggested that “Written law supplemented rather than superseded customary law. If anything, customary law may have enjoyed *more* respect than positive law in ancient Greece.”⁴⁰ We should thus understand customary law as being as authoritative as written law, if not more so.

Athenian drama most clearly makes the connection between the collection and burial of the war dead and the laws of the gods.

40. Lanni, “Laws of War,” 471–72.

Euripides' *Suppliants* forcefully connects the custom with religious motives. In the opening scene, the women of Argos bemoan the lack of burial for the Argive men who fell battling the Thebans. Here, the mother of Theseus observes that the women have been prevented from collecting and burying the war dead in violation of the laws of the gods (νόμιμ' ἀτίζοντες θεῶν).⁴¹ The religious import of this scene could not be any more apparent, as the women deplore their fate in front of the temple of Demeter in Eleusis. The play itself focuses on the problem of retrieval and burial of the war dead and related concerns of piety to the gods, thus indicating a close connection between burial practices and religion.

Sophocles' *Antigone*, which similarly focuses on the burial of the dead from the battle of the Thebans and Argives, also connects the imperative for burial to the gods, calling it ἡ ζῦνοικος τῶν κάτω θεῶν Δίκη (the binding custom of the gods below).⁴² Like *Suppliants*, *Antigone* revolves around the necessity of burial to appease the gods. Although both *Suppliants* and *Antigone* are purported to take place before the classical period, we can understand that the topic of the treatment of the war dead was of significant import to classical audiences who were experiencing unprecedented losses in the Peloponnesian War.⁴³ Arrington suggests that *Antigone* provided Athenians a space to question "the authority of the city in regard to the dead and highlighted the conflicting duties of family members" as burial duties shifted from family members to the *polis* in a time of crisis.⁴⁴ Dramas, such as *Suppliants* and *Antigone*, indicate the persistence of religious concerns around the war dead in the classical period.

Outside of drama, sources tend to refer to the mandate to collect and bury the war dead as the "customary law of the Greeks." Diodorus Siculus refers to it as πᾶσι τοῖς Ἑλλήσι κοινὸς νόμος, "the common law for all Greeks."⁴⁵ Thucydides alternately refers to the practice as "the laws of the Greeks" (τὰ νόμιμα τῶν Ἑλλήνων) or "the law established for everyone" (τὸν πᾶσι νόμον καθεστῶτα).⁴⁶ Plutarch refers to it as "customary law" (νόμον συνήθειαν), and Euripides called it a "Pan-hellenic law" (τὸν Πανελληνίων νόμον).⁴⁷ We should conclude from these

41. Euripides, *Suppliants*, 19.

42. Sophocles, *Antigone*, 450–57.

43. Lanni, "Laws of War," 483.

44. Arrington, *Ashes Images, Memories*, 12–13.

45. Diodorus, *Diodorus of Sicily*, 16.25.2.

46. Thucydides, *Peloponnesian War*, 4.97, 3.56.

47. Plutarch, *Nicias*, 6.5.5; Euripides, *Suppliants*, 525.

terms that the law of the gods had widespread applicability and acceptance. Although these terms may seem to indicate social or cultural *mores* as opposed to divine law, sources often connect the “customary law of the Greeks” to the gods, for example, by invoking the gods’ wrath for violation.⁴⁸ For this reason, the “customary law of the Greeks” should be considered synonymous with the law of the gods.

Not only was the recovery and burial of the dead (and, by extension, the war dead) sacrosanct, the corpse itself was considered holy (or sacred) in Greek literature. Plutarch calls the bodies of the dead *τοὺς μεθεστῶτας ἱεροὺς*, the “holy persons who are no longer present.”⁴⁹ Pausanias similarly refers to the body of the dead as a *ῥσιον ἀνθρώπου νεκρὸν* (the holy corpse of a person), adding that it was necessary to bury the body of the deceased and cover it with earth.⁵⁰ Lysias suggested that failure to respect the law of burial (*ταφῆς τῆς νομιζομένης*) courted the vengeance of the gods (*τῆς τῶν θεῶν τιμωρίας*).⁵¹ Although much has been made of the social necessity for burial (both in terms of war dead’s commemoration as well as the issue of pollution), it is clear that religious concerns underpinned the social mandate for burial.⁵² I argue that the corpse was seen as holy, not for its worldly valor, but rather because it was the sacred property of the gods. Viewing the corpses of the war dead as sacred property also brings into better resolution the customary laws of war which addressed religious festivals and sacred spaces.

Sacred Times, Sacred Spaces, and Divine Retribution

Greek battle customs not only addressed the war dead, but they also pertained to sacred spaces, such as the temples of the gods

48. Lysias, *Against Eratosthenes*, 12.96; Euripides, *Suppliants*, 311, 526; Thucydides, *Peloponnesian War*, 4.97. These authors explicitly bring into connection violation of the “customary law of the Greeks” with punishment from the gods.

49. Plutarch, *Solon*, 21.

50. Pausanias, *Pausania*, 1.32.5.

51. Lysias, *Against Erasthenes*, 12.96.

52. Morris, *Society*, 46–47; Vaughn, “Identification and Retrieval,” 39–40; D. Ø. Endsjo, “To Control Death: Sacrifice and Space in Classical Greece.” *Religion* 33, no. 4 (2003): 323–40.

324. Both Morris and Vaughn see the burial of the war dead as primarily focused on the maintenance of social structures and the display of social status. Vaughn, however, argues that worldly commemoration stemmed from religious imperatives, but she does not specify what those religious motivations were. Endsjo notes the social issues regarding the pollution of the dead.

1 and religious festivals. Such places and times were considered “off
 2 limits” and, in theory, immune from the chaos of warfare. Lanni
 3 has observed how warring parties observed these restrictions, even
 4 if following the law was “clearly contrary to the state’s interests.”⁵³
 5 Although there are instances where these customs were not fol-
 6 lowed, Greek authors make clear that such violations were frowned
 7 upon and could result in punishments from the gods, thus suggest-
 8 ing that these restrictions were taken seriously, if not by invading
 9 armies, then at least by the historians who recorded these events.⁵⁴
 10 I focus here on violations of temples and shrines as there is a close
 11 connection between the customs regarding sacred property and the
 12 burial of the dead.

13 Polybius provides several examples of temple destruction during
 14 war and suggests that such conduct was against the laws of war (*κατὰ*
 15 *τοὺς τοῦ πολέμου νόμους*).⁵⁵ Restrictions on temple siege included both
 16 the building itself, as well as its property. Temple property included
 17 statues of the gods, dedications from suppliants, as well as the spoils
 18 of war which were dedicated to the gods in the event of a victory. A.
 19 J. Jackson suggests that the removal of temple goods did not lawfully
 20 occur unless extraordinary circumstances attended.⁵⁶ The property
 21 of the gods was thus believed to be sacrosanct and immobile. For
 22 this reason, the destruction of a temple and its property was espe-
 23 cially egregious. Polybius uses the term *asebeian* (*ἀσεβειαν*), simpious,
 24 to describe such acts. For Polybius, those who commit such crimes
 25 court the punishment of the gods.⁵⁷

26 Humans could also punish transgressors of sacred spaces, nota-
 27 bly by denying the right to collect and bury the war dead. This was
 28 frequently the case during the Peloponnesian war. Thucydides
 29 relates that, when the Athenians occupied the Delium at Tangara
 30 (Boetia), the Boeotians refused to allow them to collect their war
 31 dead until they left the temple.⁵⁸ As a result, the Boeotians charged
 32 that the Athenians violated the customs of the Greeks (*τὰ νόμιμα τῶν*
 33 *Ἑλλήνων*) by occupying the temple and refused a truce in the name
 34 of “the god, the Boetian people, the deities who witnessed the acts,

35 53. Lanni, “Laws of War,” 477–78.

36 54. Herodotus, *Histories*, 1.150; Plutarch, *Agesilaus*, 21. Both authors depict inva-
 37 sions during religious festivals.

38 55. Polybius, *Historiae*, 5.9.

39 56. Jackson, “Hoplites and the Gods,” 244.

40 57. Polybius, *Historiae*, 31.11, 32, 5.9.

41 58. Thucydides, *Peloponnesian War*, 4.97.

1 and Apollo" (ὕπέρ τε τοῦ θεοῦ καὶ ἑαυτῶν Βοιωτοῦς, ἐπικαλουμένους τοὺς
 2 ὁμωχέτας δαίμονας καὶ τὸν Ἀπόλλω). Similarly, when the oracle at Delos
 3 was seized by the Phocians, the offended parties refused to grant
 4 burial to the Phocian temple robbers (τοὺς ἱεροσύλους) according to
 5 Greek law.⁵⁹ The war dead thus could be lawfully held at ransom for
 6 the violation of sacred space. This suggests that there was a connec-
 7 tion between the physical property of the gods (in the form of tem-
 8 ples) and the bodies of the dead.

9 We should view these instances as not just a violation of sacred
 10 space, but as a violation of sacred property. We need to consider that
 11 the Greeks viewed sacred space, not as a cordoned-off zone created
 12 by humans, but as spaces which belonged exclusively to the gods. We
 13 also need to consider that the items within these spaces were con-
 14 sidered the property of the gods. Once dedicated in a sacred space,
 15 statues, dedications, and spoils of war were transferred to the care of
 16 the gods and became their property. This is why acts against sacred
 17 spaces were considered impious and worthy of both human and
 18 divine punishment. In the Greek world-view, to destroy a temple was
 19 not to destroy a man-made space, but to destroy the home and prop-
 20 erty of the gods themselves.⁶⁰ Moreover, the disruption of the prop-
 21 erty of the gods disrupted the relationship between a people and its
 22 gods—a relationship that was mediated through sacrifices and ded-
 23 ications. To destroy those dedications was to destroy the peace held
 24 between the human and the divine realms.

25 *Burying the War Dead:*
 26 *Giving the Gods Their Due*

27 It is within the matrix of sacred property that we should view Greek
 28 customs regarding the burial of the war dead. Funeral rites ensured
 29 that the deceased was transferred over from the world of the living to
 30 the gods. Greek sources refer to the transfer of the deceased through
 31 burial as "giving the gods below their due" (τοὺς κάτω τὰ αὐτῶν

32 59. Diodorus, *Diodorus of Sicily*, 16.24.2–16.25.2.

33 60. Christiane Sourvinou-Inwood, "What is Polis Religion?" in *Oxford Read-*
 34 *ings in Greek Religion*, Richard Buxton, ed. (Oxford: Oxford University Press, 2000),
 35 13–37. Sourvinou-Inwood argues that "the ownership of sanctuaries was perceived
 36 as belonging to the human, not the divine, sphere, which is why a sanctuary could
 37 change hands without it being felt that any disrespect to the gods had been commit-
 38 ted." I disagree with this view and note that any such major changes likely neces-
 39 sitated prior approval of the sanctuary's deities through some form of divination.

1 κομίζεσθαι).⁶¹ Conversely, to not bury the dead could cause the guilty
 2 party to incur a divine penalty (ἐν θεοῖσι τὴν δίκην δώσει).⁶² Therefore,
 3 it was incumbent in the Greek worldview to bury the dead, not just
 4 for the honours it bestowed in the social world, but also because it
 5 was compelled by the gods.

6 Which gods compelled burial? This is unclear and likely varied
 7 regionally and by time period. Homer's *Iliad* suggested that the recip-
 8 ient of the war dead was Zeus.⁶³ This would make sense within the
 9 context of war. Generals sacrificed to Zeus when crossing borders,
 10 and victors dedicated battlefield trophies (made up of the armor of
 11 the slain enemy) to Zeus.⁶⁴ Moreover, the herald who was sent to
 12 request the truce for the recovery of the fallen dead was believed
 13 to be protected by Zeus.⁶⁵ It was to Zeus whom soldiers sacrificed
 14 before a battle, and it was Zeus whom they credited with success.⁶⁶
 15 If Zeus governed the outcome of the battle field, it is logical that he
 16 would receive both the sacrifices of the victors (in the form of dedica-
 17 tions) and the sacrifices of the defeated (in the form of fallen troops).
 18 However, the case for Zeus being given control of the war dead is
 19 not fully supported. Even in the Homeric period, the custodianship
 20 of the dead fell to the underworld gods. For example, the *Odyssey*
 21 clearly depicts the dead going to the underworld, where Hades and
 22 Persephone rule.⁶⁷ While Zeus might have had some jurisdiction over
 23 the battlefield, his role over the war dead is less clear.

24 A stronger case can also be made for the gods in question being
 25 Demeter and Persephone, especially in the Classical period. Sopho-
 26 cles' *Antigone*, although noting that Zeus was the originator of the
 27 unwritten laws of the Greeks, suggested that the war dead (and their
 28 burial) fell under the laws of the gods below (ἡ ζύνοικος τῶν κάτω
 29 θεῶν Δίκη).⁶⁸ Euripides *Suppliants* also seems to make this connec-
 30 tion, when the women entreat Demeter to bring back the war dead

31 61. Lysias, *Funeral Speech*, 2.7.

32 62. Sophocles, *Antigone*, 450–60.

33 63. Homer, *Iliad*, 24.134.

34 64. Michael H. Jameson, "Sacrifice Before Battle," in *Hoplites: the Classical Greek*
 35 *Battle Experience*, ed. Victor Davis Hanson (London: Routledge, 1993), 202; Jackson,
 36 "Hoplites," 239–44.

37 65. Lanni, "Laws of War," 478.

38 66. Jackson, "Hoplites," 239–44.

39 67. Homer, *Odyssey*, 11.

40 68. Sophocles, *Antigone*, 450–56.

1 so that the dead may be delivered to Hades.⁶⁹ Plutarch suggested that
 2 the murder of the Athenian herald Anthemocritus was believed to
 3 have been avenged by “the two goddesses” from Eleusis (i.e., Deme-
 4 ter and Persephone).⁷⁰ It should not surprise us to see Demeter and
 5 Persephone brought into connection with the dead. Persephone was
 6 widely regarded as the queen of the underworld, given her associa-
 7 tion with Hades. Demeter, of course, had chthonic aspects of her cult,
 8 and the Eleusinian mysteries were believed to confer special privi-
 9 leges of the afterlife.⁷¹ Inscriptions also attest to Persephone receiv-
 10 ing the dead in Hades, thus demonstrating how widely held this
 11 belief was.⁷²

12 Lysias perhaps gives us the best indication of which gods were
 13 placated by the dead in the classical period. In his *Funeral Speech*, he
 14 suggests that the laws against the destruction of sacred spaces per-
 15 tained to the gods above, while the war dead belonged to the gods
 16 below.⁷³ In other words, both views are somewhat correct—both Zeus
 17 and the underworld gods have claims in the domain of war. It is
 18 possible that the classical emphasis on Demeter and Persephone as
 19 receiving the war dead (as opposed Zeus in Homeric literature) may
 20 reflect an innovation in afterlife beliefs that occurred between the
 21 archaic and classical period. Sarah Iles Johnston has suggested that
 22 a shift in afterlife beliefs occurred as funeral administration moved
 23 from the family to the *polis*.⁷⁴ The emphasis on Demeter and Perse-
 24 phone may be indicative of this change; they likely were the gods
 25 who received the dead in the classical period. Regardless of which
 26 deities were involved, what is certain is that to not give the war dead
 27 to the gods was a great impiety.

28 The transfer of the war dead to the gods was an active process
 29 that required the performance of funeral rites. Johnston suggests

30 69. Euripides, *Suppliants*, 1–79.

31 70. Plutarch, *Lives*, 30; Pausanias, *Pausaniae*, 1.36.3.

32 71. Dimakis, “Deathscapes,” 33; Plutarch, Frg. 38 in Katharina Waldner,
 33 “Dimensions of Individuality in Ancient Mystery Cults: Religious Practice and Phil-
 34 osophical Discourse,” in *The Individual in the Religions of the Ancient Mediterranean*, ed.
 35 Jörg Rüpke (Oxford: Oxford University Press, 2013), 233–34; Walter Burkert, *Ancient*
 36 *Mystery Cults* (Cambridge, Mass.: Harvard University Press, 1987), 21–24; *Hymn to*
 37 *Demeter*, 460–90.

38 72. Lattimore, *Themes*, 87–88.

39 73. Lysis, *Funeral Speech*, 2.7.

40 74. Sarah Iles Johnston, *Restless Dead: Encounters Between the Living and the Dead*
 41 *in Ancient Greece* (Berkeley: University of California Press, 1999), 95–98.

1 that, in the Greek world, there was the belief that “the dead are
 2 not admitted to the Underworld until their physical remains are
 3 ceremonially honored and disposed of in the upper world.”⁷⁵ The
 4 cremation of the body was essential to this task, as cremation dis-
 5 solved the bonds between the physical corpse and the soul.⁷⁶ Until
 6 the funeral rites were performed, the soul (*ψυχή*) of the deceased
 7 had the potential to terrorize the living, being as it was caught
 8 between the upper and lower worlds.⁷⁷ The lingering powers of the
 9 war dead were especially threatening in the context of war, where a
 10 soul could “be bent into the services of the land of his hosts.”⁷⁸ Leav-
 11 ing the war dead unburied thus left the offending party open to
 12 retribution from both the gods and the dead. While proper mainte-
 13 nance of the dead would have been a general concern in Greek cul-
 14 ture, we can see that, in the case of the war dead, the large volume
 15 of corpses and their posthumous powers merited special consider-
 16 ation by the city in times of war.

17 The gods received their “due” several ways during war: they were
 18 sacrificed to before fighting, they received dedications upon the con-
 19 clusion of a battle, war spoils were dedicated in temples, and the
 20 war dead were transferred to the god’s care through funeral rites.⁷⁹
 21 Neglecting the burial of the war dead was believed to incur the
 22 wrath of the gods and disrupt the delicate balance between the gods
 23 and humans. Christiane Sourvinou-Inwood observes that, “it is the
 24 relationship of the *polis* with its gods that ultimately guarantees its
 25 existence.”⁸⁰ For a city-state in the midst of war, to court the anger
 26 of the gods was to court disaster, both to one’s reputation as a pious
 27 individual, but also to the very fabric of the *polis* whose existence
 28 was made precarious through war.⁸¹ The gods demanded their due,
 29 and the god’s share of the spoils of war included its dead. To with-
 30 hold them was an offence with divine ramifications for the *polis* in
 31 question.

32 75. *Ibid.*, 9.

33 76. Boardman and Kurtz, *Greek Burial Customs*, 97; Morris, *Society*, 32; Pritchett,
 34 *Greek State at War*, 100.

35 77. Johnston, *Restless Dead*, 83–84; Boardman and Kurtz, *Greek Burial Customs*,
 36 298.

37 78. Johnston, *Restless Dead*, 154–55.

38 79. Jackson, “Hoplites,” 1993; Jameson, “Sacrifice,” 1993.

39 80. Sourvinou-Inwood, “What is *Polis* Religion?”, 23.

40 81. Lanni, “Laws of War,” 470. Lanni talks about the loss of reputation for vio-
 41 lation of Greek customs.

Conclusion

The retrieval and burial of the war dead was Greek custom for a significant reason—the neglect of the war dead threatened to upset the balance between the humans and the gods and thus was intimately connected with Greek religious beliefs. I have demonstrated that, in the classical period, Greek authors frequently noted how the war dead came under the domain of the gods. This was reflected in the terminology for the customs of the Greeks as well as the perceived divine sanctions that could occur for violating those customs. I have suggested that we consider the custom of retrieving and burying the war dead as part of the broader customs concerning religious spaces and property. In other words, we should consider the war dead as the property of the gods, and as such, inviolable. Although several gods could be said to have “ownership” of the war dead, I have suggested that the war dead most likely belonged to the gods of the Underworld. Finally, I argued that burial was necessary to transfer the war dead to the care of the gods below and that neglect of this duty threatened the relationship between the *polis* and the gods and thus put the *polis* in significant peril. My analysis here has helped to elaborate the reasons why the collection and burial of the war dead was regarded as religiously necessary in the classical period. The war dead held significant import for the ancient Greeks; their burial ensured the continued existence of the *polis* by maintaining a benevolent relationship with the gods.

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