

Fallen Soldiers and the Gods:

Religious Considerations in the Retrieval and Burial of the War Dead

The retrieval and subsequent burial of the war dead in classical Greece was considered an important component of any given battle. Scholarship has observed how the retrieval of the war dead in the classical period could determine the outcome of a battle, as well as how the commemoration of the war dead functioned as a tool of civic identity, especially in the city of Athens.¹ Although the above observations provide sufficient motivation for the recovery of the battle dead, this paper proposes an additional impetus for their collection: religion. Although scholars have often noted that Greek customs surrounding the war dead were motivated by religious concerns, what those religious concerns were have not been elaborated.² This paper remedies this gap by exploring the relationship between the war dead and the gods. In this paper, I argue that the war dead were considered the property of the gods and were afforded special protections for this reason. Moreover, the proper burial of the war dead was necessary to transfer the war dead from the custody of the human world to the gods below. Such a transfer maintained the relationship between the *polis* and the gods, ensuring its continued existence.

I begin this paper by outlining the scope of my inquiry. I then turn to the problems of evidence with respect to the study of the war dead and burial in ancient Greece. Although the material and literary record is compromised by several factors, I note that literary evidence sheds significant light on the question of the war dead. I then turn to the process of recovering the war dead and their burial. Here, I note the differences in the treatment of the war dead between the archaic and classical periods, as well as the processes of their collection and burial in the classical period. The core of my paper focuses on the divine laws of war and their import for the war dead. I begin this section by analyzing the terminology used to describe the "unwritten laws" of the Greeks. Here I note the religious concerns that informed Panhellenic customs. I then examine the laws of warfare related to sacred space, especially those which pertained to sanctuaries and temple property. I conclude that we need to consider that the imperative to protect the war dead stemmed from the laws on sacred property and that we should view the war dead as the property of the gods. Finally, I examine which gods the war dead might have belonged to and why burial was such an important part of the battle process. I argue that burial was the final step in transferring the war dead to the gods of the underworld, who required their "due share" of the spoils of war. I conclude by observing the reciprocal relationship of the gods and humans that was at the foundation of Greek religion. I note that a positive relationship with the gods was effected through propitiation, and suggest

¹ Nathan T. Arrington, *Ashes, Images, and Memories: The Presence of the War Dead in Fifth-Century Athens* (Oxford: Oxford University Press, 2014); A.J. Jackson, "Hoplites and the Gods: The Dedication of Captured Arms and Armour," in *Hoplites: the Classical Greek Battle Experience*, ed. Victor Davis Hanson (London: Routledge, 1993), 228-249; Cezary Kuczewicz, "War Dead in Ancient Greece: Ancestral Custom," *Ancient Warfare* 9, no. 6 (2016), 28-35.

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

that consigning the war dead to their care ensured stability for the *polis* in the midst of the risks of war.

Scope of Paper

This paper investigates the religious motives for the collection and retrieval of the war dead in classical Greece (approximately the end of the sixth century BCE to the late fourth century BCE). This period encompasses two major wars that occupied Greece during this time, the Persian wars and the Peloponnesian war. This period is fruitful for investigation for several reasons. First, there is significant historical testimony for this period. Second, the classical evidence for the treatment of the war dead is demonstrably different from the archaic period. Scholarship seems to be in agreement that the lavish funerals depicted in Homer were not typical of archaic funerary practices. Moreover, Homeric practices are not supported in the archaeological record.³ In short, as much as Homer may indicate the values which archaic audiences held with respect to the war dead, the details of Homer's funerals, such as the funeral of Patroclus (*Iliad*, 23.105-230), may be literary exaggerations rather than historic fact. The evidence for the treatment of the war dead is thus much more secure for the classical era than the archaic period.

I define religion as "the interaction between humans and the divine sphere." At its core, Greek religion was focused on maintaining the relationship between the humans and the gods through propitiation (sacrifice, dedications, honours) and validation of that correct relationship through divinatory means, such as oracles or other forms of prophecy (e.g. the peripatetic *mantis*).⁴ Religion had a significant place on the battlefield. The will of the gods was consulted for every military undertaking, the gods were propitiated on the field of battle, and the spoils of war were turned over the gods in the event of a successful outcome. It is within this matrix of propitiating the gods that I place the burial of the war dead.

As this paper is focused on the religious dimensions which informed social customs around the war dead, it does not focus on other aspects of war and death which have occupied the bulk of scholarship on the topic. For example, I will not discuss at length the Athenian funeral orations. While funeral orations can shed light on *polis* values, the mechanics of the funeral oration and its social function have been adequately detailed by Nicole Loraux (1986) and Nathan Arrington (2014), both of whom have connected the treatment of the war dead in Athens to the formation of *polis* identity.⁵ Related to the issue of the Athenian funeral oration is the nature of the Kerameikos cemetery (or the *δημόσιον σῆμα*), where the Athenian war dead were buried.⁶ Although the location of the Kerameikos holds some import for the question of religion, notably through the religious shrines which pre-date the *δημόσιον σῆμα*, I will not address the popular questions of where it was located, who was interred there (e.g. was the cemetery restricted to citizens?), and the extent to which the *δημόσιον σῆμα* was an actual cemetery (in the modern sense) or if it was simply an *ad hoc* collection of graves. These

³ John Boardman and Donna C. Kurtz, *Greek Burial Customs* (New York: Cornell University Press, 1971), 186-187; Ian Morris, *Burial and Ancient Society: The Rise of the Greek City-state* (Cambridge: Cambridge University Press, 1987), 211. Despite the cogent observations of Boardman et al., it should be noted that many of the practices depicted in Homer, such as the pouring of libations and offering of hair, would not survive in the material record.

⁴ Christiane Sourvinou-Inwood, "Further Aspects of *Polis* Religion," In *Oxford Readings in Greek Religion*, Ed. Richard Buxton (Oxford: Oxford University Press, 2000), 38-55.

⁵ Loraux, 1986; Arrington, 2014. See also Jon Hesk, "Leadership and Individuality in the Athenian Funeral Orations," *Bulletin of the Institute of Classical Studies* 56, no. 1 (2013): 49-65.

⁶ Thucydides, 2.34.

questions have been adequately treated by Arrington (2010) and Cynthia Patterson (2006), among others.⁷ I also will not delve into the question of whether the war dead were heroized. Although this topic intersects with the question of religion—indeed, heroization involves some degree of immortalization and thus interaction with the divine sphere—the topic is outside the scope of the present inquiry. Those interested in the question of heroization can look to the many scholarly discussions on the topic.⁸ Finally, I will not treat in detail the "written" laws of Greek burial, such as the Solonic laws on funerals. These laws tend to be focused on mundane matters, such as the transfer of property and excessive social displays of mourning and wealth.⁹ As such, they have little import for the topic of religion, which is the main focus of this paper.

Problems of Evidence

The study of the war dead is not a straightforward matter. The march of time has compromised much of the material evidence relating to the war dead, especially as it relates to burial and monumentalization. Perishable burials goods—such as food and offerings made of perishable materials—are missing from the material record.¹⁰ These objects would have been part of a more complex funerary ritual, whose performative aspects elude the material record. As Ian Morris observes, due to the partiality of material evidence, "the meanings evoked in the ceremonies are lost forever."¹¹ In absence of material evidence, the historian must look to supplementary sources, such as literary accounts, to get at the "meanings" of Greek funerary rituals. The written record, however, is beset with its own problems. Casualty lists, which commemorate the war dead by name, are often fragmentary and divorced from their *in situ* context.¹² Records of funeral orations may contain factual errors or, due to the pedagogical benefit of the genre, may be entirely fictional.¹³ Further complicating the literary evidence is the authorial selectivity which can omit commonplaces which are unknown to modern readers, but which would have been familiar to the ancient audience, such as the performance of common ritual practices.¹⁴

Despite these challenges, the material and literary record do contribute significantly to our understanding of the treatment of the Greek war dead. The material record, though often speaking to this-worldly aspects of commemoration, occasionally hints at the religious world-views that informed Greek practices and beliefs around the war dead. It is the literary sources, however, which are especially forthcoming on the religious dynamics behind the imperative to collect and bury the war dead. In this paper, I focus on literary sources and supplement, where applicable, with the material record.

Recovering the Dead

⁷ Cynthia, Patterson, "'Citizen Cemeteries' in Classical Athens?" *Classical Quarterly* 56, no. 1 (2006); Arrington, *Ashes*, 2014; Arrington, *Democracy*, 2010.

⁸ Richmond Lattimore, *Themes in Greek and Latin Epitaphs* (Illinois: University of Illinois Press, 1962), 24-52, 99-101; Ian Morris, *Death-Ritual and Social Structure in Classical Antiquity* (Cambridge: Cambridge University Press, 1992), 144; Arrington, *Ashes*, 115-120; Loraux, 39-41; Boardman and Kurtz, 299-301. Most of the scholars listed here tend to dismiss the idea that the Greek war dead were heroized. Lattimore provides the most significant arguments for the immortalization of the war dead.

⁹ Plutarch, *Solon*, 21.

¹⁰ Boardman and Kurtz, 64; Ian Morris, *Death-Ritual and Social Structure in Classical Antiquity* (Cambridge: Cambridge University Press, 1992), 13.

¹¹ Morris, *Society*, 211.

¹² Arrington, *Ashes*, 63.

¹³ Loraux, 9-10.

¹⁴ Boardman and Kurtz, 148.

The recovery of the war dead after battle was an innovation of the classical period. As Cezary Kucewicz notes, "Archaic treatment of the war dead was far removed from the norms and standards of the Classical period."¹⁵ In the archaic period, truces were rare and the war dead were normally dealt with during battle. If burial did occur, it likely was reserved for those highest on the social hierarchy, such as generals. The classical period however, saw a shift to the formalization of war dead collection, one which emphasized the necessity for burial and funeral rites for all soldiers regardless of social status.

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 armour of slain enemies, while the defeated party sent out a herald to request a truce.¹⁶ 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.¹⁷ 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.¹⁸

The reason recovery was so important was tied to the necessity of administering burial rites, which I will speak to in greater detail later in this paper. For now, it is enough to observe that the retrieval of the war dead was a serious concern in the classical period. Whether it was done under an official truce (*ὑπόσπονδος*), as W. Kendrick Pritchett suggests, or a less formal understanding (e.g. Thucydides, 2.22), collecting the dead was of paramount importance.¹⁹

Authors often justify the rare instances of neglect of the war dead as the result of extraordinary circumstances.²⁰ Such events are depicted as mentally disturbing and heavy with regret. For example, Thucydides describes the difficult Athenian retreat from Syracuse, and the subsequent lack of burial for the war wounded and the dead:

*τῶν τε γὰρ νεκρῶν ἀτάφων ὄντων, ὅποτε τις ἴδοι τινὰ τῶν ἐπιτηδείων κείμενον, ἐς λύπην μετὰ φόβου καθίστατο, καὶ οἱ ζῶντες καταλειπόμενοι τραυματαί τε καὶ ἀσθενεῖς πολὺ τῶν τεθνεώτων τοῖς ζῶσι λυπηρότεροι ἦσαν καὶ τῶν ἀπολωλότων ἀθλιώτεροι. πρὸς γὰρ ἀντιβολίαν καὶ ὀλοφυρμὸν τραπόμενοι ἐς ἀπορίαν καθίστασαν, ἄγειν τε σφᾶς ἀξιοῦντες καὶ ἕνα ἕκαστον ἐπιβρώμενοι, εἴ τινὰ πού τις ἴδοι ἢ ἐταίρων ἢ οἰκείων, τῶν τε ξυσκήνων ἢδη ἀπιόντων ἐκκρεμαννύμενοι καὶ ἐπακολουθοῦντες ἐς ὄσον δύναιντο, εἴ τω δὲ προλίποι ἢ ῥώμη καὶ τὸ σῶμα, οὐκ ἄνευ ὀλίγων ἐπιθειαςμῶν καὶ οἰμωγῆς ὑπολειπόμενοι, ὥστε δάκρυσι πᾶν τὸ στράτευμα πλησθὲν καὶ ἀπορία τοιαύτη μὴ ῥαδίως ἀφορμᾶσθαι...κατήφειά τέ τις ἄμα καὶ κατὰμεμψις σφῶν αὐτῶν πολλὴ ἦν.*²¹ (Thucydides, 7.75.3-5)

As for the unburied corpses, whenever someone saw someone of their friends laying there, he began to grieve with fear. Living men were left behind due to their wounds,

¹⁵ Kucewicz, 32-34.

¹⁶ Vaughn, 46-49.

¹⁷ Plutarch, *Theseus*, 29.4-5.

¹⁸ 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, 1985.

¹⁹ Pritchett, 116-117.

²⁰ Vaughn, 45.

²¹ Thucydides, 7.72-75.

and were especially pained at the greatly wounded of those who had died. They turned to prayers and lamentations during the confusing situation. Since they expected their people to take them, and they were calling to each person, if ever one of their friends or companions saw [them]. They were clinging to their fellow soldiers as they left, and they followed them as much as they were able. If their power abandoned their body, they were left without hope and lamentation, with the result that the entire army was filled with tears and set out uneasily in this confusion...at the same time there was much dejection and blame on the soldiers' part. (Translation Veale)

Thucydides depicts the difficulties the Athenians had abandoning their fellow soldiers on the battle field. In addition to feeling personal shame and emotional anguish, the neglect of the war dead was subject to, in Athens at least, legal punishment. Diodorus and Xenophon relate that, during the Peloponnesian war, the death penalty was prescribed for two Athenian generals who did not arrange for the burial of the war dead and thus left the fallen without burial (*ἀτάφους*).²² We should conclude from these Greek historians that the recovery and burial of the war dead of great importance in the classical period. To not collect the war dead caused great personal anguish and could be formally disciplined by the *polis*.

The war dead who were recovered, however, could expect burial or cremation from their fellow soldiers. Although it is likely that the retrieval and burial of the war dead was a common Panhellenic practice, the exact process differed among the various city-states and even in different time periods.²³ Burial might take place on the battlefield, where the bodies of the fallen were buried in mass grave-mounds called *polyandreia*.²⁴ Pausanias attests that battlefield burial occurred after the battle of Hysiae between the Greeks and the Persians, as well as when the Thebans fought the Macedonians at Chaeronea.²⁵ Xenophon, however, complicates the picture, suggesting that the war dead were buried on the battlefield only when the bodies of the fallen were decayed to such an extent that it was impossible to transport the dead.²⁶ It is thus unclear if battlefield burial was a standard practice or a final measure taken when the bodies of the dead could not be returned home.

There is more certainty about Athenian practices due to the depiction of the state funeral in Thucydides and the existence of Athenian funeral speeches.²⁷ In the case of Athens, after the Persian Wars, the dead were cremated on the battle field and their ashes were returned home for formal burial and civic honours.²⁸ The final resting places of the war dead, regardless of whether at home or abroad, often bore commemorative monuments testifying to the valor of the dead, such as the Athenian casualty lists which named the fallen soldiers.²⁹ The

²² Diodorus, 13.101, Xenophon, *Hellenica*, 1.6.35-1.7.34.

²³ Vaughn, 42; Pritchett, 255.

²⁴ Nikolas Dimakis, "Ancient Greek Deathscapes," *Journal of Eastern Mediterranean Archaeology and Heritage Studies* 3, no. 1 (2015): 31-32; Vaughan, 42.

²⁵ Pausanias, 2.24.7, 9.2.5-6, 9.40.10.

²⁶ Xenophon, *Anabasis*, 6.4.9.

²⁷ Thucydides, 2.34-47. In addition to the funeral oration of Pericles in Thucydides, other funeral speeches include works by Demosthenes (*Funeral Speech*) and Lysias (*Funeral Oration*).

²⁸ Pritchett, 254; Arrington, 32-35; Loraux, 18-19. These authors note the Athenian shift from battlefield burial to repatriation of the soldier's ashes.

²⁹ Pritchett, 247; Arrington, 39; Arrington, "The Location of the Athenian Public Cemetery and its Significance for the Nascent Democracy," *Hesperia: The Journal of the American School of Classical Studies at Athens* 1, no. 4 (2010): 510. For the Athenian casualty lists, see Arrington, *Ashes*, 91-123.

war dead who were not recovered, were given burial rites *in absentia* over a cenotaph—an empty tomb that functioned as the focus of commemoration and symbolically acted as the final resting place of the deceased.³⁰ Since burial rites was 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.³¹ 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 (2000) and Cezary Kucewicz (2016) have both suggested that it was the cross-cultural encounters of the Persian wars which gave impetus to the custom of war dead recovery.³² 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.³³ 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 (*ῥσιον*) 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.³⁴ 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 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 the central focus of my inquiry: 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 "divine laws" of war, especially those 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. I argue that, in instances where divine law was invoked in matters of

³⁰ Boardman and Kurtz, 257-258.

³¹ Arrington, *Ashes*, 2014.

³² Mary Ebbott, "The List of the War Dead in Aeschylus' *Persians*," *Harvard Studies in Classical Philology* 100 (2000): 95; Kucewicz, 34-35.

³³ Pausanias, 1.32.5; Aeschylus, *Persians*, 300-310

³⁴ Pausanias, 1.32.5.

war dead recovery, we need to understand 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," as I will demonstrate, 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."³⁵ 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. 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*).³⁶ 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 ξύνοικος τῶν κάτω θεῶν Δίκη* (the binding custom of the gods below).³⁷ 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.³⁸ 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.³⁹ Dramas, such as *Suppliants* and *Antigone*, which highlighted the religious imperative for burial of the war dead, indicates 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 Ἑλλησι κοινὸς νόμος*, "the common law for all Greeks."⁴⁰ Thucydides alternately refers to the practice as "the laws of the Greeks" (*τὰ νόμιμα τῶν Ἑλλήνων*) or "the law established for everyone" (*τὸν πᾶσι*

³⁵ Lanni, 471-472.

³⁶ Euripides, *Suppliants*, 19.

³⁷ Sophocles, *Antigone*, 450-457.

³⁸ Lanni, 483.

³⁹ Arrington, *Ashes*, 12-13.

⁴⁰ Diodorus, 16.25.2.

νόμον καθεστῶτα).⁴¹ Plutarch refers to it as "customary law" (νόμον συνήθειαν), and Euripides called it a "Panhellenic law" (τὸν Πανελλήνων νόμον).⁴² We should conclude from these 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.⁴³ 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."⁴⁴ Pausanias similarly refers to the body of the dead as a *ὄσιον 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.⁴⁵ Lysias suggested that failure to respect the law of burial (*ταφῆς τῆς νομιζομένης*) courted the vengeance of the gods (*τῆς τῶν θεῶν τιμωρίας*).⁴⁶ 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.⁴⁷ 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 and religious festivals. Such places and times were considered "off limits" and, in theory, immune from the chaos of warfare. Lanni has observed how warring parties observed these restrictions, even if following the law was "clearly contrary to the state's interests."⁴⁸ Although there are instances where these customs were not followed, Greek authors make clear that such violations were frowned upon and could result in punishments from the gods, thus suggesting that these restrictions were taken seriously, if not by invading armies, then at least by the historians who recorded these events.⁴⁹ I focus here on violations of temples and shrines as there is a close connection between the customs regarding sacred property and the burial of the dead.

Polybius provides several examples of temple destruction during war and suggests that such conduct was against the laws of war (*κατὰ τοὺς τοῦ πολέμου νόμους*).⁵⁰ Restrictions on

⁴¹ Thucydides, 4.97, 3.56.

⁴² Plutarch, *Nicias*, 6.5.5; Euripides, *Suppliants*, 525.

⁴³ Lysias, *Against Eratosthenes*, 12.96; Euripides, *Suppliants*, 311, 526; Thucydides, 4.97. These authors explicitly bring into connection violation of the "customary law of the Greeks" with punishment from the gods.

⁴⁴ Plutarch, *Solon*, 21.

⁴⁵ Pausanias, 1.32.5.

⁴⁶ Lysias, *Against Erasthenes*, 12.96.

⁴⁷ Morris, *Society*, 46-47; Vaughn, 39-40; Endsjø, 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. Endsjø notes the social issues regarding the pollution of the dead.

⁴⁸ Lanni, 477-478.

⁴⁹ Herodotus, 1.150; Plutarch, *Agesilaus*, 21. Both authors depict invasions during religious festivals.

⁵⁰ Polybius, 5.9.

temple siege included both the building itself, as well as its property. Temple property included statues of the gods, dedications from suppliants, as well as the spoils of war which were dedicated to the gods in the event of a victory. A.J. Jackson suggests that the removal of temple goods did not lawfully occur unless extraordinary circumstances attended.⁵¹ The property of the gods was thus believed to be sacrosanct and immobile. For this reason, the destruction of a temple and its property was especially egregious. Polybius uses the term impious (*ἀσέβεια*) to describe such acts. For Polybius, those who commit such crimes court the punishment of the gods.⁵²

Humans could also punish transgressors of sacred spaces, notably by denying the right to collect and bury the war dead. This was frequently the case during the Peloponnesian war. Thucydides relates that, when the Athenians occupied the Delium at Tangara (Boetia), the Boeotians refused to allow them to collect their war dead until they left the temple.⁵³ As a result, The Boeotians charged that the Athenians violated the customs of the Greeks (*τὰ νόμιμα τῶν Ἑλλήνων*) by occupying the temple and refused a truce in the name of "the god, the Boetian people, the dieties who witnessed the acts, and Apollo" (*ὑπέρ τε τοῦ θεοῦ καὶ ἑαυτῶν Βοιωτούς, ἐπικαλουμένους τοὺς ὁμωχέτας δαίμονας καὶ τὸν Ἀπόλλω*). Similarly, when the oracle at Delos was seized by the Phocians, the offended parties refused to grant burial to the Phocian temple robbers (*τοὺς ἱεροσύλους*) according to Greek law.⁵⁴ The war dead thus could be lawfully held at ransom for the violation of sacred space. This suggests that there was a connection between the physical property of the gods (in the form of temples) and the bodies of the dead.

We should view these instances as not just a violation of sacred space, but as a violation of sacred property. We need to consider that the Greeks viewed sacred space, not as a cordoned-off zone created by humans, but as spaces which belonged exclusively to the gods. We also need to consider that the items within these spaces were considered the property of the gods. Once dedicated in a sacred space, statues, dedications, and spoils of war were transferred to the care of the gods and became their property. This is why acts against sacred spaces were considered impious and worthy of both human and divine punishment. In the Greek world-view, to destroy a temple was not to destroy a man-made space, but to destroy the home and property of the gods themselves.⁵⁵ Moreover, the disruption of the property of the gods disrupted the relationship between a people and its gods—a relationship that was mediated through sacrifices and dedications. To destroy those dedications was to destroy the peace held between the human and the divine realms.

Burying the War Dead: Giving the Gods Their Due

It is within the matrix of sacred property that we should view Greek customs regarding the burial of the war dead. Funeral rites ensured that the deceased was transferred over from the world of the living to the gods. Greek sources refer to the transfer of the deceased through

⁵¹ Jackson, 244.

⁵² Polybius, 31.11, 32.27.

⁵³ Thucydides, 4.97.

⁵⁴ Diodorus 16.24.2-16.25.2.

⁵⁵ Christiane Sourvinou-Inwood, "What is Polis Religion?" in *Oxford Readings in Greek Religion*, 14. Sourvinou-Inwood argues that, "the ownership of sanctuaries was perceived as belonging to the human, not the divine, sphere, which is why a sanctuary could change hands without it being felt that any disrespect to the gods had been committed." I disagree with this view, and note that any such major changes likely necessitated prior approval of the sanctuary's deities through some form of divination.

burial as "giving the gods their due."⁵⁶ Conversely, to not bury the dead could cause the guilty party to incur a divine penalty (*ἐν θεοῖσι τὴν δίκην δώσει*).⁵⁷ Therefore, it was incumbent in the Greek worldview to bury the dead, not just for the honours it bestowed in the social world, but also because it was compelled by the gods.

Which gods compelled burial? This is unclear and likely varied regionally and by time period. Homer's *Iliad* suggested that the recipient of the war dead was Zeus.⁵⁸ This would make sense within the context of war. Generals sacrificed to Zeus when crossing borders, and victors dedicated battle-field trophies (made up of the armor of the slain enemy) to Zeus.⁵⁹ Moreover, the herald who was sent to request the truce for the recovery of the fallen dead was believed to be protected by Zeus.⁶⁰ It was to Zeus whom soldiers sacrificed before a battle, and it was Zeus whom they credited with success.⁶¹ If Zeus governed the outcome of the battle field, it is logical that he would receive both the sacrifices of the victors (in the form of dedications) and the sacrifices of the defeated (in the form of fallen troops).

A case can also be made for the gods in question being Demeter and Persephone. Sophocles' *Antigone*, although noting that Zeus was the originator of the unwritten laws of the Greeks, suggested that the war dead (and their burial) fell under the laws of the gods below (*ἡ ξύνοικος τῶν κάτω θεῶν Δίκη*).⁶² Euripides *Suppliants* also seems to make this connection, when the women entreat Demeter to bring back the war dead so that the dead may be delivered to Hades.⁶³ Plutarch suggested that the murder of the Athenian herald Anthemocritus was believed to have been avenged by "the two goddesses" from Eleusis (i.e. Demeter and Persephone).⁶⁴ It should not surprise us to see Demeter and Persephone brought into connection with the dead. Persephone was widely regarded as the queen of the underworld, given her association with Hades. Demeter, of course, had chthonic aspects of her cult, and the Eleusinian mysteries were believed to confer special privileges of the afterlife.⁶⁵ Inscriptions also attest to Persephone receiving the dead in Hades, thus demonstrating how widely held this belief was.⁶⁶

Lysias perhaps gives us the best indication of which gods were placated by the dead in the classical period. In his *Funeral Speech*, he suggests that the laws against the destruction of sacred spaces pertained to the gods above, while the war dead belonged to the gods below.⁶⁷ In other words, both views are somewhat correct—both Zeus and the underworld gods have claims in the domain of war. It is possible that the classical emphasis on Demeter and Persephone as receiving the war dead (as opposed Zeus in Homeric literature) may reflect an

⁵⁶ Lysias, *Funeral Speech*, 2.7.

⁵⁷ Sophocles, *Antigone*, 450-460.

⁵⁸ Homer, *Iliad*, 24.134.

⁵⁹ Michael H. Jameson, "Sacrifice Before Battle," in *Hoplites: the Classical Greek Battle Experience*, ed. Victor Davis Hanson (London: Routledge, 1993), 202; Jackson, 239-244.

⁶⁰ Lanni, 478.

⁶¹ Jackson, 239-244.

⁶² Sophocles, *Antigone*, 450-456.

⁶³ Euripides, *Suppliants*, 1-79.

⁶⁴ Plutarch, *Pericles*, 30; Pausanias, 1.36.3.

⁶⁵ Dimakis, 33; Plutarch, *Frg.* 38 in Katharina Waldner, "Dimensions of Individuality in Ancient Mystery Cults: Religious Practice and Philosophical Discourse," in *The Individual in the Religions of the Ancient Mediterranean*, ed. Jörg Rüpke (Oxford: Oxford University Press, 2013), 233-234; Walter Burkert, *Ancient Mystery Cults* (Massachusetts: Harvard University Press, 1987), 21-24; *Hymn to Demeter*, 460-490.

⁶⁶ Lattimore, 87-88.

⁶⁷ Lysias, *Funeral Speech*, 2.7.

innovation in afterlife beliefs that occurred between the archaic and classical period. Sarah Iles Johnston has suggested that a shift in afterlife beliefs occurred as funeral administration moved from the family to the *polis*.⁶⁸ The emphasis on Demeter and Persephone may be indicative of this change; they likely were the gods who received the dead in the classical period. Regardless of which deities were involved, what is certain is that to not give the war dead to the gods was a great impiety.

The transfer of the war dead to the gods was an active process that required the performance of funeral rites. Johnston suggests that, in the Greek world, there was the belief that "the dead are not admitted to the Underworld until their physical remains are ceremonially honored and disposed of in the upper world."⁶⁹ The cremation of the body was essential to this task, as cremation dissolved the bonds between the physical corpse and the soul.⁷⁰ Until the funeral rites were performed, the soul (*ψυχή*) of the deceased had the potential to terrorize the living, being as it was caught between the upper and lower worlds.⁷¹ The lingering powers of the war dead were especially threatening in the context of war, where a soul could "be bent into the services of the land of his hosts."⁷² Leaving the war dead unburied thus left the offending party open to retribution from both the gods and the dead.

The need to collect and bury the war dead was intimately bound up with Greek religious beliefs about the gods. The gods received their "due" several ways during war: they were sacrificed to before fighting, they received dedications upon the conclusion of a battle, war spoils were dedicated in temples, and the war dead were transferred to the god's care through funeral rites.⁷³ Neglecting the burial of the war dead was believed to incur the wrath of the gods and disrupt the delicate balance between the gods and humans. Christiane Sourvinou-Inwood observes that, "it is the relationship of the *polis* with its gods that ultimately guarantees its existence."⁷⁴ For a city-state in the midst of war, to court the anger of the gods was to court disaster, both to one's reputation as a pious individual, but also to the very fabric of the *polis* whose existence was made precarious through war.⁷⁵ The gods demanded their due, and the god's share of the spoils of war included its dead. To withhold them was an offence with divine ramifications for the *polis* in question.

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

⁶⁸ Sarah Iles Johnston, *Restless Dead: Encounters Between the Living and the Dead in Ancient Greece* (Berkeley: University of California Press, 1999), 95-98.

⁶⁹ Johnston, 9.

⁷⁰ Boardman and Kurtz, 97; Morris, *Society*, 32; Pritchett, 100.

⁷¹ Johnston 83-84; Boardman and Kurtz, 298.

⁷² Johnston 154-155.

⁷³ Jackson, 1993; Jameson, 1993.

⁷⁴ Sourvinou-Inwood, *Polis*, 23.

⁷⁵ Lanni, 470. Lanni talks about the loss of reputation for violation of Greek customs.

"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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