

THE SWORD DID IT: A GREEK EXPLANATION FOR SUICIDE*

The people of classical Athens did not regard suicide as a crime committed by the victim. Instead, the Athenians regarded suicide as a crime committed by the instrument that the victim used, or by the victim's hand as opposed to the victim himself. This non-human agent was culpable, just like non-human agents were blamed for accidental deaths. Although suicide victims were innocent, inanimate agents were guilty. In Sophocles' *Ajax*, for example, the sword that the hero turned upon himself was blamed for his death. The Athenian response to suicide was more about objects than it was about people.

The chief sources for these conclusions are the orators and Plutarch. Previous scholars, to be sure, viewed the subject of classical Athenian suicide more broadly.¹ Save for Rudolph Hirzel, they did not pay concentrated attention to Athenian laws and burial customs, and even Hirzel paid more attention to drama and philosophy. For this article, dramatic and philosophical sources such as Sophocles or Plato are occasionally indispensable, but mostly tangential.

The contrast between innocent victims and guilty agents does not appear in the response to suicide anywhere else, save for some Greek poleis or regions that may have resembled Athens. (For example, it does not appear in ancient Rome.) The first and longer part of this article presents the evidence for this contrast, including Sophocles' sword and the death of Socrates. The short second part asks how the contrast arose. Plato again is relevant, but so is later history in which this contrast did not exist.

I

If suicide is to be considered a crime, it must be a sort of homicide, and homicide in classical Athens was a crime against the family of the deceased. Unless the victim

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¹ Suicide in general: R. Hirzel, 'Der Selbstmord', *Archiv für Religionswissenschaft* 11 (1908), 75–104, 243–84, 417–76; J. Améry, *Hand an sich legen: Diskurs über den Freitod* (Bonn, 1976); H. Aigner, *Der Selbstmord im Mythos* (Graz, 1982). In antiquity: A.J.L. van Hooff, *From Autothanasia to Suicide: Self-Killing in Classical Antiquity* (London, 1990), with bibliography for other ancient societies at p. xiv n. 14. In Greece: E. Garrison, 'Attitudes towards suicide in ancient Greece', *TAPhA* (1994), 1–33, with bibliography at p. 1 n. 1, and *Groaning Tears: Ethical and Dramatic Aspects of Suicide in Greek Tragedy. Mnemosyne* Supp. 145 (Leiden, 1995). Suicide and popular morality: K. Dover, *Greek Popular Morality* (Oxford, 1974), 168–9. Suicide and Greek religion: J. Bremmer, *The Early Greek Concept of the Soul* (Princeton, 1983), 91–104. A linguistic study with some Greek evidence: D. Daube, 'The linguistics of suicide', *Philosophy and Public Affairs* 1.4 (1972), 387–437. G. Schieman, in *Neue Pauly* s.v. 'Suizid' (Stuttgart, 2002), 11.1093–4 confines himself to philosophical sources.

forgave his killer, the family was obliged to prosecute.² The family and the community joined in the task of isolating the killer, who would bring *miasma* upon anyone he approached.³ To prevent *miasma*, he stood trial in the open air.⁴ If convicted, he left Attica for the same reason. In a case of suicide, there was no one to do the forgiving, no one to be prosecuted, and no one to isolate. There was no one to put on trial or to go into exile. There was, in short, no crime. There was also no *miasma* involving the killer. There was only *miasma* involving the corpse of the suicide victim. To solve this problem, the family of the victim would take away the body and bury it with the usual purificatory rites. Timon of Athens had this custom in mind when, according to a story Plutarch knew, he warned his fellow Athenians that a fig tree on his vacant lot would no longer be available for hangings. His warning was partly for would-be suicide victims, and partly for those who would come and remove the bodies.⁵ Even if the story is wrong about Timon, it is probably right about the removal of suicide victims from vacant lots.

A passage in Plato confirms the lack of any crime of suicide. When Socrates discusses suicide in the *Phaedo*, one of his auditors, Cebes, asks, 'What do you mean, Socrates, by saying that it is not right for a man to lay violent hands upon himself?'⁶ Socrates now mentions the opinion of the Pythagorean Philolaus, which was that suicide was 'illegitimate' (παράνομος). Cebes replies, 'I have heard Philolaus say ... that it was not right to do this, but I have never heard from anyone anything distinct on the subject.'⁷ If there was a *nomos* about suicide, Cebes should have known it. Yet Socrates does not reproach Cebes for his ignorance. Instead the philosopher explains his own opinion of when 'certain people ... in certain circumstances are better off dying than living'. In this passage, suicide is an unregulated practice that some philosophers reject, but that Socrates accepts under conditions on which Plato wished to focus.

As Elise Garrison observed in her article on 'Attitudes towards suicide' (n. 1), only one Athenian source says that any suicide victim commits homicide. In *Lysias* 12, the speaker complains that the Thirty 'compelled their victims to become the murderers of themselves, and denied them customary burial'.⁸ This charge stresses the act of compulsion, and implies that without such compulsion the killing would not have occurred. The Thirty, not their victims, caused these deaths. Since they did so deliberately, they committed murder.⁹ These tyrants did the opposite of what the court did to Socrates. Rather

² Pace D. MacDowell, *Athenian Homicide Law in the Age of the Orators* (Manchester, 1963), 12–19, there was no exception to this practice, save for slaves, and for the use of ἀπαγωγή to the Eleven as a substitute for a δίκη φόνου; see I. Kidd, 'The case of homicide in Plato's *Euthyphro*', in E.M. Craik (ed.), *Owls to Athens: Essays on Classical Subjects Presented to Sir Kenneth Dover* (Oxford, 1990), 213–21.

³ Since both the family and the Archon basileus made proclamations ordering the killer to avoid 'the things laid down by law'. Proclamation by the family: Antiph. 6.35; Dem. 47.69. By the Archon: Arist. [*Ath. Pol.*] 57.2; Poll. *Onom.* 8.90. A summary account: MacDowell (n. 2), 24–5.

⁴ Antiph. 5.11.

⁵ Plut. *Ant.* 70.

⁶ Pl. *Phd.* 61d: Πῶς τοῦτο λέγεις, ὦ Σώκρατες, τὸ μὴ θεμιτὸν εἶναι ἑαυτὸν βιάζεσθαι;

⁷ Pl. *Phd.* 61e: Φιλολάου ἦκουσα ... ὡς οὐ δεῖο τοῦτο ποιεῖν· σαφές δὲ περὶ αὐτῶν οὐδενὸς πάποτε οὐδὲν ἀκήκοα.

⁸ Lys. 12.96: φονέας αὐτῶν ἠνάγκασαν γενέσθαι καὶ οὐδὲ ταφῆς τῆς νομιζομένης εἶσαν τυχεῖν.

⁹ Garrison (n. 1 [1994]), 8, with discussion at pp. 5–9 of Aeschin. 3.244, Plut. *Them.* 22.2 and *LSAM* 154, and with a similar conclusion about burial, but with a focus on attitudes, not Athenian law.

than pass a sentence in which suicide was optional, they inflicted pressure that made suicide unavoidable. Here as elsewhere, the Thirty upended a norm.

Denying burial was another crime committed by the Thirty. Burial was a right that Socrates refers to elsewhere in the *Phaedo*; after Crito asks, ‘How shall we bury you?’ Socrates teasingly answers, ‘Any way you want, so long as I don’t escape you when you take me.’¹⁰ Both speakers envisage burial without difficulty. The reason for their confidence is not that Socrates, unlike some suicides, died at judicial command. Other Athenian suicide victims (or reported victims) did not die at judicial command, yet received burial. Isocrates, who reportedly starved to death of his own volition, received burial, and so did Themistocles.¹¹ Rather than die at judicial command, Themistocles fled Athens to escape execution. According to most accounts, he took poison.¹² He was then buried in Magnesia on the Maeander.¹³ In his case there was a difficulty, but it did not arise because of the manner of his death. As Plutarch reveals, this difficulty arose because Athens regarded him as a traitor. For that reason, he had to be buried outside Attica.¹⁴ Even for this notorious suicide, burial was a right.

Outside Athens, the scanty Greek evidence does not answer the question of whether suicide was a crime, but it does confirm that suicides received burial, even as it also confirms that circumstances like the commission of a crime would not deprive the victim of last rites. Plutarch reports that when an epidemic of suicide swept the female population of Miletus, the authorities responded by burying the victims naked – a dishonour, but still burial.¹⁵ Diodorus says that the Syracusans should have buried the suicides Demosthenes and Nicias. Allowed to avoid execution, just like Socrates, these two generals were left in front of the jail where they died.¹⁶ It was just as disgraceful for the enemies of the suicide victim Alcetas to wrap his body in a cheap cloak and bring it to Antipater.¹⁷

In the 31 complete Attic tragedies, suicide victims are always buried, often with heroic honours. Of the eleven persons who commit suicide in these plays, just one, the Ajax of Sophocles, is even threatened with loss of burial, and the case of Ajax is peculiar, for he is threatened not because of his suicide, but because of his conduct before his death.¹⁸ Jocasta is properly buried in *Oedipus Rex*, and Eudadne will be buried with her husband in Euripides’ *Suppliants*.¹⁹ In later tradition, two of the eleven, Heracles and Ajax, received hero worship, meaning that they received burial with honours. A third, Macaria, likely did also.²⁰ Three more, Menoeceus, Phaedra, and

¹⁰ Pl. *Phd.* 115b–c: θάπτομεν δέ σε τίνα τρόπον; Ὅπως ἄν, ἔφη, βούλησθε, εἴνπερ γε λάβητέ με καὶ μὴ ἐκφύγω ὑμᾶς.

¹¹ Isocrates’ suicide: [Plut.] *X orat.* 837e. Burial: 838b.

¹² Thuc. 1.138.4; Ar. *Eq.* 83–4; Plut. *Them.* 31.6.

¹³ Thuc. 1.138.5; Plut. *Them.* 32.4.

¹⁴ Plut. *Them.* 23.4. Buried in Attica, but secretly: Cic. *Brut.* 11.43. Athenians who were not suicides, and were punished for treason in the same way: Archipolemos and Antiphon ([Plut.] *X orat.* 834b); Phrynichus (Lycurg. *In Leocr.* 112–3). General statements: Xen. *Hell.* 1.7.22; Isoc. 20.6.

¹⁵ Plut. *De mul. vir.* 249c.

¹⁶ Plut. *Nic.* 28.5.

¹⁷ Diod. Sic. 18.46. A third instance of this sort of wickedness: Philistus (16.16.4).

¹⁸ Soph. *Aj.* 829–30, 1047–8, 1140.

¹⁹ Soph. *OT* 1446–8, 1476; Eur. *Supp.* 980–1.

²⁰ Thus E. Pfister, *Der Reliquienkult im Altertum*. Religionsgeschichtliche Versuche und Vorarbeiten 5.1 (Heidelberg, 1905), 116, based on Eur. *Heracl.* 598–9 and Strabo 8.377, where there is a stream named after her at Trikorythos; Paus. 1.32.6 reports such a stream at Marathon. See A. Lesky, in *RE*, vol. 14 s.v. *Makaria* (1), 622–3.

Deianira, were buried in honourable locations, if not shrines, and perhaps received worship.²¹ Of the eight mentioned so far, three, Euadne, Ajax and Macaria, received burial in Attica. The heroes and heroines that make up the rest of the eleven, Antigone, Eurydice and Haimon, are not reported to have received any cult or honoured burial, but neither were they denied burial. Outside tragedy, there is only one report for the three of them, concerning Antigone, supposedly burnt to death in a temple along with Ismene.²²

In other respects, these eleven suicide victims are diverse. Three persons, the Jocasta of Sophocles, Eurydice and Phaedra, hang themselves, an unfavourable circumstance in the view of some scholars, yet they receive the same treatment as Deianira, Haimon and the Jocasta of Euripides, who die by the sword.²³ Motive varies, too. Two of these suicides – Macaria and Menoeceus – become communal martyrs. Two others – Phaedra and Ajax – express resentment towards family members or communal leaders. Deianira is innocent of the crime of wilful murder, Phaedra guilty of the crime of constructive adultery. Antigone dies for a brother's sake, Haimon for the sake of his betrothed, but Heracles for his own sake.²⁴

Myths from outside tragedy echo these eleven instances. In Attica, Aglauros and Herse committed suicide by jumping off the Acropolis; a shrine marked the place of death. Aegeus jumped off the highest point in the Propylaea, but somehow landed in the Aegean, a longer leap for which he received the same honour.²⁵ Outside of Attica there were more examples, including one linked to Theseus: Ariadne, who committed suicide according to Plutarch, and whose bones ended up in an underground shrine to Dionysus in the Argolid.²⁶ The manner of death varied. If some heroes or heroines jumped to their deaths, or starved themselves to death, as Ariadne did, others hanged themselves.²⁷ The motives varied. Aglauros and Herse were frightened, Aegeus was distressed; Ariadne abandoned. All were suicides, all were buried and given heroic honours.

Heroizing victims is very unlike condemning inanimate objects used in acts of suicide. One kind of condemned object caused accidental death. It might be investigated and put on trial. Another kind caused suicide. Since this kind was manifestly responsible for the death that occurred, a trial was superfluous. Both kinds of objects were disposed of.

In a paraphrase of Demosthenes, Aeschines speaks first of objects causing accidental death and then of objects causing suicide:

²¹ Menoeceus at a city gate in Thebes: Paus. 9.25.1. Phaedra in the shrine of Hippolytus at Troezen: Paus. 2.32.4. Deianira at Argos, where the tomb was shown to visitors: Paus. 2.23.5.

²² Antigone: Sallustius, *hyp. Soph. Ant.* Haimon is a common heroic name (as noticed by O. Kern, in *RE*, vol. 7 s.v. *Haimon* [9], 2218), but other persons under this name cannot be linked to the legendary Theban Haimon. A different view: C. Segal, *Sophocles' Tragic World: Divinity, Nature, Society* (Cambridge, MA, 1995), 132, holding that the failure to mention the burial of Eurydice, Haimon and Antigone is a sign of disorder at Thebes.

²³ Unfavourable because used by women: N. Loraux, *Tragic Ways of Killing a Woman*, tr. A. Forster (Cambridge, MA, 1991), 9–10. Because used in executions: E. Cantarella, *I supplizi capitali in Grecia e Roma* (Rome, 1991), 47–8.

²⁴ A convenient conspectus of this familiar evidence: Van Hooff (n. 1), Chapter 2, 'Modi moriendi'.

²⁵ Paus. 1.18.2; Plut. *Thes.* 22.5.

²⁶ Plut. *Thes.* 22.7.

²⁷ Aspalis, commemorated by an ἄγαλμα (Ant. Lib. 13); Charila (Plut. *Quaest. conv. Graec.* 293e), transformed similarly; and Erigone, who received offerings at the Anthesteria (Hyg. *Fab.* 130.4). A different view of these suicides: Cantarella (n. 23), 11–13.

We exile pieces of wood and stones and iron implements, voiceless and senseless things that descend on somebody and cause his death, and if anyone does away with himself, we bury the hand that did the deed separately from the body.²⁸

This passage envisages a sentence of exile imposed on objects held responsible for accidental deaths, and envisages a similar punishment for the part of the body held responsible for death by suicide. Two other sources explain how the Athenians imposed such sentences. The *Athenaiōn Politeia* says, ‘The King Archon and the *phulobasileis* also judge cases against inanimate objects and animals.’²⁹ This passage about accidental death adds animals to the list of non-human agents. Pollux locates the court of King Archon and the *phulobasileis* in the Prytaneion, but does not mention any agents other than objects that cause accidental death by falling:

The court at the Prytaneion passed judgment on killers, even if their identity was unclear, and also on fallen objects that caused death. The *phulobasileis* presided. They had to throw the fallen object out (of Attica).³⁰

This passage confirms the ‘exile’ of non-human agents in Aeschines.

None of these classical sources mentions a suicidal agent other than the hand, but Plutarch’s *Life of Themistocles* fills the gap:

[Themistocles] assigned a place near his house for the shrine [of Artemis Aristoboule]. That’s where the public slaves throw the bodies of those put to death and put out the clothes and nooses of those who have been hanged and cut down.³¹

This passage differs from the previous ones not only because it describes conditions centuries later, but also because it does not envisage some obscure place, as Aeschines does, or some remote place, as Pollux does. Instead the suicidal instruments are isolated in a place of ill-repute, as shown by the disposal of the corpses. A *lex sacra* from early third-century Cos refers to agents for suicide, too, but does not mention a place of disposal. Herzog thought that the items mentioned in this law were to be burned, not ‘put out’, as in Plutarch. He supplemented as follows:

[If anyone in any deme hangs himself with a rope], the witness should first release [the corpse and cover it with a cloth.] He should [cut] off [and dispose of the] piece of wood from which the dead person was hanged and [burn] the rope. If the priest is the witness, [let him order the first passer-by to do it].³²

²⁸ Aeschin. 3.244: τὰ μὲν ξύλα καὶ τοὺς λίθους καὶ τὸν σίδηρον, τὰ ἄφωνα καὶ τὰ ἀγνώμονα, ἐάν τῳ ἐμπεσόντα ἀποκτείνῃ, ὑπερορίζομεν, καὶ ἐάν τις αὐτὸν διακρήσῃται, τὴν χεῖρα τὴν τοῦτο πράξασαν χωρὶς τοῦ σώματος θάπτομεν. So also Dem. 23.76.

²⁹ Arist. [*Ath. Pol.*] 57.4: δικάζει δ’ ὁ βασιλεὺς καὶ οἱ φυλοβασιλεῖς, καὶ τὰς τῶν ἀψύχων καὶ τῶν ἄλλων ζώων.

³⁰ Poll. *Onom.* 8.120: τὸ ἐπὶ Πρυτανείῳ δικάζει περὶ τῶν ἀποκτεινάντων, κἄν ὧσιν ἀφανεῖς, δικάζει δὲ καὶ περὶ τῶν ἀψύχων τῶν ἐμπεσόντων καὶ ἀποκτεινάντων. προειστήκεσαν δὲ τοῦτο τοῦ δικαστηρίου οἱ φυλοβασιλεῖς, οὗς ἔδει τὸ ἐμπεσὸν ἀψυχὸν ὑπερορίσαι.

³¹ Plut. *Them.* 22.2: πλησίον δὲ τῆς οἰκίας κατεσκευάσεν ... τὸ ἱερόν, οὗ τὰ σώματα τῶν θανατουμένων οἱ δήμιοι προβάλλουσι καὶ τὰ ἱμάτια καὶ τοὺς βρόχους τῶν ἀπαγχόμενων καὶ καθαρεθέντων ἐκφέρουσιν. Cut down: καθαρεθέντων, mistranslated as ‘executed’ at LSJ s.v. καθαρέω II.1.

³² LSCG 154b.33–6: [αἱ δὲ τίς κα ἔν τινι δάμῳ ἀπάγξῃται σχοι]νιδίῳ, ὁ ἰδὼν πρᾶπιστον καταλυσά-/[τῷ τὸν νεκρὸν καὶ εἴματα κατακαλυπάτω τὸ] δὲ ξύλον ἐξ οὗ κα ἀπάγξῃται, ἀπο-/[ταμῶν ἐξενεικάτω καὶ κατακασάτω καὶ τ]ὸ σχοινίον ὁ ἰδὼν· αἱ δὲ κα ἱερεὺς ἴδῃ·/[τὸμ παριόντα πρᾶπιστον κελέσθω ταῦτα πο]ιεῖν. Supp. Herzog, *HGK* 8.

The letters translated as ‘off’, ΑΠΟ, show that the wood and rope were to be disposed of.

The treatment given to the objects in both Plutarch and the inscription resembles that given to the hand of the suicide victim in Aeschines. In all three sources, the guilt of the agent is supposed to be obvious, and so the response of the witnesses is immediate, as if a thief had been caught red-handed,³³ ἐπ’ αὐτορόρω. The removal of the offending agent resembles a citizen’s arrest, or ἀπαγωγή. Unlike theft, however, the suicidal hand or instrument caused pollution, so the community disposed of them, a response comparable to the isolation of murderers both before and after conviction. The non-human agent served as a substitute for a murderer.³⁴

Two more passages refer to inanimate, polluted agents. A fragment of Hyperides refers to the branches or beams from which a suicide might hang himself, called ὄξυθύμια. To express his contempt for a law that he opposes, the orator says, ‘It would be much fairer for the stele [for the law] to be put among the ὄξυθύμια than in a shrine.’ This term also referred to the leavings of household purification rituals, but Aristarchus says that in Hyperides it refers to wood used in acts of suicide.³⁵ Both objects were polluted. A contemporary passage from Eupolis mentions ὄξυθύμια and polluted persons: ‘a gibbering polluter of the community who should have been burnt at the crossroads and among the ὄξυθύμια’.³⁶ Once again the inanimate agent resembles a murderer.

If we turn from laws and regulations to examples of culpable, inanimate agents, oratorical sources give way to Sophocles’ *Ajax*. Two characters, Teucer and the protagonist, blame Ajax’s death on the sword that Ajax uses to kill himself. Addressing the corpse, Teucer says: ‘How will I get you off this shining blade that was your murderer ... when you breathed your last?’³⁷ In an ambiguous, and perhaps spurious, phrase found a few lines later (1032–3), Teucer blames both the sword and the man who gave it to Ajax, Hector: ‘This man was holding that man’s gift when he perished in a fatal fall, because of this object’ (οὗτος δ’ ἐκείνου τήνδε δωρεάν ἔχων | πρὸς τοῦδ’ ὄλωλε θανασίμω πεσήματι). Yet Sophocles might have expressed this thought by putting ‘this object’ in the dative, as emended by Schneidewinn. Morstadt and others thought the lines unsalvagable.³⁸ If the lines are genuine, ‘this object’ may instead be ‘this very man’, whom Teucer does not identify. Similarly, Ajax blames both his sword and Hector. As he stands atop the ἐγκύκλιμα, and looks down on his sword, he says:

³³ As translated by E. Harris, “‘In the act’ or “red-handed””? *Apagoge* to the Eleven and *furtum manifestum*”, in E. Cantarella and G. Thür (edd.), *Symposion 1997: Vorträge zur griechischen und hellenistischen Rechtsgeschichte* (Vienna, 2001), 75–88 (= *Democracy and the Rule of Law in Classical Greece* [Cambridge, 2006], 373–93).

³⁴ Other views of these trials: MacDowell (n. 2), 85–7, comparing these trials to inquests, and M. Nilsson, *Geschichte der Griechischen Religion*, vol. 1 (Munich, 1967³), 100, saying that the hand of the suicide was cut off because it was the hand of a murderer who might, since unburied, roam the earth and kill again. So also R. Garland, *The Greek Way of Death* (London, 2001²), 98.

³⁵ Hyp. fr. 79 apud Harp. s.v. Ὄξυθύμια: πολλῶ ἂν δικαιότερον ἐν τοῖς ὄξυθυμίαις ἢ στήλη σαθειή ἢ ἐν τοῖς ἡμετέροις ἱεροῖς. Phot. and Hsch. s.v. Ὄξυθύμια give both meanings; *Lex. Vin.* s.v. gives only the meaning of ‘wood’, whereas *Etym. Magn.* and the *Suda* s.v., and Poll. 2.231, give only the meaning of ‘leavings’.

³⁶ Eur. fr. 132 K–A: ὃν χρῆν ἐν τε ταῖς τριόδοις κὰν τοῖς ὄξυθυμίαις προστρόπαιον τῆς πόλεως κάεσθαι τετριγότα. ‘Polluter’: Aeschin. 2.158.

³⁷ Soph. *Aj.* 1024–6: πῶς σ’ ἀποσπάσω | πικροῦ τοῦδ’ αἰόλου κνάδοντος, ᾧ τάλας, ὑφ’ οὗ | φονέως ἄρ’ ἐξέπνευσας;

³⁸ Schneidewin: τοῖδε. Spurious: Morstadt ad loc., followed most recently by Finglass ad loc.

The sword stands where it would cut best – since I have the chance to think about it. It's a gift from Hector, the man who was the most hated of my guest-friends and the most hateful to lay eyes on. It's stuck (πέπηγε) in the hostile land of Troy...;

then he modifies his idea that the sword will do the cutting, and says:

I positioned it and made it stick (ἔπηξα). It is very friendly towards my swift death. We are well prepared.³⁹

Like Teucer, Ajax has now expressed an ambiguous attitude, but for a different reason. Ajax makes himself and the weapon responsible, whereas Teucer makes someone else and the weapon responsible.

These lines, which scholars have explained as a pattern of imagery, a personification of the sword, or an aberration, allude to a question that might arise for any non-human agent: was there no human to blame instead?⁴⁰ Sophocles let Teucer and Ajax answer partly 'no', since the weapon was to blame, and partly 'yes', since Hector or Ajax were. Sophocles also asked another question: had the agent been removed? Often this question was moot. The poison taken by Socrates and Themistocles could not be removed. In cases of death by starvation or fire, there was no culpable object. In *Ajax*, the question was open. The sword lay buried in Ajax's body. As Teucer says, the sword could be removed, but only after the body was disposed of, and the disposal of the body sparked a dispute between the relatives, led by Teucer, and the community, led by the Atreidae. The family wanted to bury the victim, as Attic and tragic usage enjoined, and the Atreidae refused, behaving like the disgraceful Syracusans. To emphasize this refusal, Sophocles has Ajax speak about burying the sword himself.⁴¹

This two-part picture of Athenian *nomoi* – innocent victim and proper burial, guilty agent and removal of pollution – emerges from sources limited to Athenian law and custom, as opposed to other genres, places and times discussed by Hirzel and later writers, and especially as opposed to Rome.⁴² Hirzel showed that many philosophers and the like disapproved of suicide, among them Philostratus and Artemidorus. A notice

³⁹ Soph. *Aj.* 815–23: ὁ μὲν σφαγεὺς ἔστηκεν ἢ τομώτατος | γένοιτ' ἄν, εἰ τῷ καὶ λογιζεσθαι σχολή, | δῶρον μὲν ἀνδρὸς Ἑκτορος ξένων ἐμοὶ | μάλιστα μισηθέντος, ἐχθίστου θ' ὄραν | πέπηγε δ' ἐν γῆ πολεμία τῇ Τρωάδι, | ... | ἔπηξα δ' αὐτὸν εὖ περιστεύλας ἐγὼ | εὐνούστατον τῶδ' ἀνδρὶ διὰ τάχους θανεῖν. | οὕτω μὲν εὐσκενοῦμεν.

⁴⁰ Pattern: D. Cohen, 'The imagery of Sophocles: a study of Ajax's suicide', *G&R* 25.1 (1978), 24–36, notably 32, where he says the sword 'has a separate identity'. Personification: G. Meautis, *Sophocle: essai sur le héros tragique* (Paris, 1957), 43. An aberration: R. Buxton, 'Weapons and day's white horses: the language of *Ajax*', in I. de Jong and A. Rijksbaron (edd.), *Sophocles and the Greek Language* (Leiden, 2006), 1–23, at 20 n. 15. A sacrificial instrument: Garrison (n. 1 [1995]), 52. A view similar to the one expressed here: W.B. Stanford, *Sophocles: Ajax* (London, 1963), 166–7, noting that Teucer is implying that Ajax died at the hands of an enemy, and not his own.

⁴¹ Soph. *Aj.* 658–9.

⁴² Hirzel (n. 1), 265–8, holding that most classical Greeks did not disapprove of suicide, but that Athenians did, and that later more Greeks did – a developmental scheme. Earlier, A. Schopenhauer, *Die Welt als Wille und Vorstellung*, vol. 1 (Leipzig, 1844), 69 schematized Greek suicide according to the manner of death, poison being approved, but not violent means. E. Norden held that disapproval was early, general and persistent – and thus that unburied suicides were numerous among the ἄωροι ('Vergilstudien', *Hermes* 28 [1883], 360–406, at 376). Recently, Améry (n. 1), 576 held that the Greeks distinguished between *Selbstmord*, which they disapproved, and *Freitod*, which they approved – an ethical and psychological distinction. Most recently, Garrison (n. 1 [1994]), 2 draws ethical distinctions like those first proposed in Plato's *Laws* (as below).

about Athens in the *Suda* may imply disapproval, too.⁴³ Some cities regulated the act of suicide, and even made it a crime under certain circumstances.⁴⁴ As for Roman suicide, the pontifical books condemned it, and punished it with dishonourable burial.⁴⁵ Quintilian thought that the early Republican Senate regulated it.⁴⁶ The courts passed judgment on the motives of suicide victims in order to determine the victim's guilt with respect to other crimes.⁴⁷ Epigraphical sources report disapproval of suicide, too.⁴⁸ On the other hand, there was no crime of suicide, and at the same time there was no condemnation of objects or parts of the body.⁴⁹ The Roman response to suicide combined some disapproval with different laws and customs.

This evidence makes the Athenian *nomoi* all the more remarkable. Why should Athenians have believed that the sword did it, and the swordsman did not? They surely knew that most acts of suicide were voluntary. David Daube's study of terms for suicide shows that Athenian sources, including tragic sources, use terms or turns of phrase that identify the suicide victim as the agent of his or her own death.⁵⁰ The Athenians also knew that most acts of suicide were unassisted. Among the many versions of the suicide of Ajax, including artistic versions, only a few vase paintings show a servant helping the hero fall upon his sword.⁵¹

II

Since suicide was not a kind of homicide, the Athenians would need to explain it in some other way. For Pythagoreans like Philolaus, it was a crime not against a human body, or σῶμα, but against a human soul, or ψυχή. That perspective, though, would have been unfamiliar to many or most Athenians, who perhaps preferred to attribute suicide to divine intervention. In Homer and elsewhere, gods bring about human deaths by imparting special power to a weapon, such as a spear or sword. In the *Iliad*, Athena gives Achilles the chance to throw his spear twice, and not once.⁵² In Herodotus, gods control weapons not used by heroes. At Delphi in 480 B.C., the advancing

⁴³ Philostr. *Her.* 188, referring to Chalcas' denying a funeral pyre to suicides; Artem. 1.4; *Suda* s.v. Κυνήριον.

⁴⁴ Massilia: Val. Max. 2.6.7d. Ceos: Val. Max. 2.6.8. Cyprus: [Dio Chrys.] 64.4, doubted by Hirzel (n. 1), 268. Thebes: Zen. 6.17, citing Aristotle, but only to say that suicides receive no honours.

⁴⁵ Serv. *Aen.* 12.603.

⁴⁶ Quint. *Inst.* 7.4.39.

⁴⁷ A. Wacke, 'Der Selbstmord im römischen Recht und in der Rechtsentwicklung', *ZRG* 97 (1980), 26–77. The first (and still useful) compendium of the Roman evidence: A. Geiger, *Der Selbstmord im klassischen Altertum* (Diss. Augsburg, 1888), Chapter 2 §3.

⁴⁸ *CIL* 14.2012, a grant of land for the burial of all but suicides, with parallels at R. Friggeri, *The Epigraphic Collection of the Museo Nazionale Romano at the Baths of Diocletian* (Rome, 2001), 175–6 and J. Bodet, 'Graveyards and groves: a study of the *Lex Lucerina*', *AJAH* 7 (1994), 1–333, at 74.

⁴⁹ Wacke (n. 46), 48, questioning the legal value of the Quintilian passage.

⁵⁰ Daube (n. 1), 392, 399–401.

⁵¹ A selection of images of Ajax's death: I. Jenkins, 'The earliest representation in Greek art of the death of Ajax', in A. Clarke and J. Gaunt (edd.), *Essays in Honour of Dietrich von Bothmer* (Amsterdam, 2002), 153–6, at 153 n. 1, with references. Rare: Van Hooff (n. 1), 177, based on the material reviewed in the dissertation of M. Davies, *Studies on the Early Traditions of the Oresteia Legend in Art and Literature with Related Studies on the Suicide of Ajax* (Diss. Princeton, 1971), Chapter 6.

⁵² *Il.* 22.275–7.

Persians met with weapons, and with another inanimate agent, thunder, that were not in human hands. ‘This’, Herodotus says,

was quite a wonder. Of their own accord, military weapons appeared lying outside the temple. Compared to any other marvel, the next event was worth gawking at. Just as the barbarians entered the temple of Athena Pronaia, thunder fell on them from heaven.⁵³

The thunder then accomplishes what the movement of the weapons foretells. Yet none of these examples involves suicide. They involve a different kind of homicide, a death in combat. Similarly, the *polis* might attribute suicide to τὸ θεῖον. Yet in classical Greek τὸ θεῖον does not cause suicide, except perhaps in Herodotus. In this author, Cleomenes committed suicide on account of madness that some Greeks thought heaven-sent. Unlike the other suicide victims mentioned in this article, Cleomenes did not act deliberately.⁵⁴ He was *non compos mentis*.

The ancient Athenian would have shared the general Greek (and also Roman) belief that a suicide victim suffered an untimely death, a *mors immatura*. This belief was compatible with an exception for those who died nobly, as Socrates had. It was not compatible with blaming the victim.

If the victim was hard to blame, the object was easy to blame. The object provided a kind of substitute for a murderer. It did not matter whether this substitute could form an intention and commit φόνος ἐκ προνοίας or have the disposition needed for φόνος ἀκούσιος. The object was evidently or visibly polluted, and that sufficed to identify it as the guilty party. The Athenians attributed a magical power to the object, just as they attributed a different magical power to statues and other objects representing gods. The suicide object possessed maleficent power, the divine object, beneficent power.

Plato found his own way to assign either guilt or responsibility. In the *Laws*, he sets forth a scheme that divides acts of suicide into three classes, each with an agent: those ordered by a court, those due to circumstances, and those due to cowardice. In the first class, the agent was the community, acting lawfully. In the second, the agent was fate, acting under divine control. In the third, it was the victim, acting wrongfully:

Whoever kills himself ... and doesn't act according to communal verdict, and isn't compelled by unavoidable pain when some misfortune descends on him, and hasn't been put to some fatal and irreparable shame, condemns himself unjustly, through sloth and unmanly cowardice.⁵⁵

This classification eliminated the role of anything like a sword or rope. In every circumstance someone or something else now bore the blame, whether a court, fate or the victim himself.

If the victim bore the blame, Plato reasoned, the victim should not receive honourable burial, and instead

⁵³ Hdt. 8.37.2–3: θῶμα μὲν γὰρ καὶ τοῦτο κάρτα ἐστί, ὄπλα ἀρήια αὐτόματα φανῆναι ἔξω προκείμενα τοῦ νηοῦ· τὰ δὲ δὴ ἐπὶ τούτῳ δεύτερα ἐπιγεγόμενα καὶ διὰ πάντων φασμάτων ἄξια θαμάσαι μάλιστα. ἐπεὶ γὰρ δὴ ἦσαν ἐπιόντες οἱ βάρβαροι κατὰ τὸ ἶρόν τῆς Προνηΐης Ἀθηναίης, ἐν τούτῳ ἐκ μὲν τοῦ οὐρανοῦ κεραυνοὶ αὐτοῖσι ἐνέπιπτον. So also Callisthenes, *FGH Hist* 124 F 22a (Theban Heracles).

⁵⁴ Cleomenes: Hdt. 6.75. Accidental death caused by a divine agent manifested as σημήια: Hdt. 6.27.

⁵⁵ Pl. *Leg.* 9.873c: ὃς ἂν ἐαυτὸν κτείνει, ... μήτε πόλεως ταξάσης δίκη, μήτε περιοδύνῳ ἀφύκτω προσπεσούσῃ τύχῃ ἀναγκασθεὶς, μηδὲ αἰσχύνῃς τινὸς ἀπόρου καὶ ἀβίου μεταλαχῶν, ἀργία δὲ καὶ ἀνανδρίας δειλία ἐαυτῷ δίκην ἄδικον ἐπιθῆ.

should be buried apart and not in a common tomb, ... on the wild and nameless outskirts of the twelve wards – anonymously, without stelai and without names marking the graves.⁵⁶

The *damnatio memoriae* was another innovation expressing the wish to degrade some suicide victims. In contrast, the law that Plato proposes for trying inanimate objects makes no innovation. Save for some details, this law is the same as in the sources for the court at the Prytaneion.

Although Plato does not say so, a concern for the ψυχή may have inspired his condemnation of suicide. Whatever his motive, he set a precedent. In the future – if not the immediate future in Athens, about which we know little, then the distant future, in Europe, after the advent of Christianity – the condemnation of the suicide victim would be axiomatic. The *Codex juris canonici* largely agrees with Plato:

Those who by any pretext voluntarily bring death upon themselves with a weapon, with poison, or by hanging, or by any means whatsoever, are to be given no commemoration in any offering and are to be deprived of a church burial the same as those who die without repenting their offences.⁵⁷

It was now, in the Middle Ages, that the word *suicidium* and its cognates entered the Latin language. The new words evoked an attitude in Plato, but not one in ancient Athens or in antiquity in general.

In England, this attitude outlasted the authority of canon law. The priest in Act V of *Hamlet* may say of Ophelia:

She should in ground unsanctified have lodged
Till the last trumpet; for charitable prayer,
Shards, flints, and pebbles should be thrown on her.

Ophelia was cast out of holy ground, whereas her counterpart in the *Laws* was to be put on the margins of the community.⁵⁸ Burial in a shrine, something reserved for heroes in ancient Greece, had become a privilege bestowed on all Christians save suicides and other reprobates such as heretics and Jews. If a suicide was removed to a crossroads, and buried there, as provided by British law down to 1824, his fate echoed not only Plato but also Eupolis, who said a polluter ought to be cast out at the crossroads.⁵⁹ Only in the twentieth century did the Christian condemnation of the suicide victim yield to the contemporary attitude in which suicide is no longer a crime (in the UK, by the Suicide Act of 1961).

The other element in the Athenian *nomoi*, the culpable object, had its own career. In the medieval period, the suicide's felon hand was sometimes cut off, as in Athens. Down through the nineteenth century, the suicide weapon was confiscated by the Crown. Only if the victim was found to be *non compos mentis*, like Cleomenes, was

⁵⁶ Pl. *Leg.* 9.873d: τάφους δ' εἶναι ... κατὰ μόνας μηδὲ μεθ' ἐνὸς συντάφου ... ἐν τοῖς τῶν δώδεκα ὀρίοισι μερῶν τῶν ὅσα ἀργὰ καὶ ἀνόνημα θάπτειν ἀκλεεῖς αὐτούς, μήτε στήλαις μήτε ὀνόμασι δηλοῦντας τοὺς τάφους.

⁵⁷ *Codex juris canonici Inst.* 3.10: *pro his qui quocumque praetextu voluntarie ferro, vel veneno, vel suspensio, vel quolibet modo sibi mortem inferunt, nullam in oblatione iaciendam esse commemorationem, et ecclesiastica eos debere carere sepultura non aliter atque illos qui pro suis sceleribus impaenitentes moriuntur.*

⁵⁸ I owe this comparison, and this citation, to Edward Harris.

⁵⁹ Stat. 4 Geo. IV c. 52.

the weapon given to his family.⁶⁰ Then, in the twentieth century, the culpable object disappeared. In the UK and elsewhere, the authorities return weapons to the victim's family after an investigation. In some American jurisdictions, the authorities confiscate weapons and may sell them to firearms dealers or distribute them to the police.⁶¹ A search for the custom of destroying weapons yielded only a small town in Ohio.⁶² No doubt other towns follow this custom, too, but they are sure to be small and rural. They would know little about ancient Athens. In the places that know more, the fatal instrument is no longer Attic – no longer spiritually charged or uncanny, and no longer cast out. Just as the corpse no longer disturbs the community, the instrument no longer threatens it. Suicide has lost some of its sting.

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⁶⁰ M. MacDonald, 'The secularization of suicide in England, 1660–1800', *Past and Present* 111.1 (1986), 50–100 proposes that the number of suicides deemed *non compos mentis* rose in response to family wishes to keep the property of the deceased.

⁶¹ Sale of weapons: Indiana Code of Laws, 35.47.3. Sale if weapons unclaimed: Revised Code of Washington State, 63.32.010. Distribution of weapons: *Newark Advocate* 1/4/2013 (NJ), Eau Claire *Leader-Telegram* 4/25/2012 (Wisc.).

⁶² *Coshocton Tribune* 1/10/2013.