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"Carry a Spear at the Funeral": Survivals of the Blood Feud in Athenian Law and Custom

Classical Athens was a feuding society, but one in which the blood feud was not an operating factor (D. Cohen 1995). However, we can discern five areas where remnants of the blood feud survive into the classical period.

1. The *dying injunction* of a homicide victim (Ant. 1.29-30; Lys. 13.41-2) in classical times stressed the recipient's duty to prosecute and officially opened the feud between the recipient and the killer. However, the wording of the dying injunction shows the antiquity of the custom and its original significance as a call to violent retribution.
2. The custom of *carrying a spear at the funeral* of a homicide victim ([Dem.] 47.69 *et al.*) marks an "aggressive funeral" (Seaford 1994) and constitutes a call to violent revenge. Even after Draco replaced the *lex talionis* with the process of law, the ancient symbol remained as testimony to an earlier time when strict retaliation was the norm.
3. A *public proclamation made to the killer* by his victim's kin in classical Athens signaled an intent to go to law. Originally, though, the display of the spear and the proclamation at the tomb publicly commenced the blood feud between the killer and his victim's kin.
4. The *right of the victim's kin to witness the execution* of a condemned killer in the classical period (Dem. 23.69) represents an attenuated right of revenge. The victim's family could not exact vengeance personally by executing the convicted killer, but they could observe as the state took their revenge for them.
5. *Accused killers were sequestered* in the Prytaneion between accusation and trial (Photius and *Suda s.v. prodikasia*) and ordered to "stay away from the customary things" (Ant. 6.34) in order to prevent contact with the victim's kin. During this time, ideally, the only contact between the killer and the family of his victim occurred at the three preliminary hearings, under the supervision of the *basileus*.

The first four items above all trace their antecedents to a time when homicides led regularly to violent reprisals; the fifth demonstrates that even in the classical period measures had to be taken to prevent aggrieved families from exacting vengeance in blood. However, the fact that the feuds amply evidenced in the orators seldom lead to homicide demonstrates Draco's success in suppressing the blood feud through his homicide legislation.