

# Sophocles and the guilt of Oedipus<sup>1</sup>

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## ABSTRACT

This article, in response to Harris (2010), reconsiders whether Oedipus, on his own account in Sophocles' *Oedipus Tyrannus* (798-813) of his encounter with Laius, would have been regarded by fifth-century Athenians as legally guilty of homicide (either wilful or unwilful), and concludes that he would not, because he was responding to a potentially lethal attack. There is no inconsistency between the treatment of this issue in *Oedipus Tyrannus* and its treatment in *Oedipus at Colonus*.

**Key words:** Sophocles, Oedipus, homicide, law, Athens

## RESUMEN

Este artículo, en respuesta a Harris (2010), replantea la cuestión de si Edipo, a partir de su propia narración del enfrentamiento con Layo en el *Edipo Rey* (798-813) de Sófocles, habría sido considerado legalmente culpable de homicidio (voluntario o involuntario) por los atenienses del siglo V, habida cuenta de que su acción era la respuesta a una agresión potencialmente letal, y se llega a la conclusión de que no lo sería. No hay ninguna incoherencia entre el tratamiento de este asunto en *Edipo Rey* y en *Edipo en Colono*.

**Palabras clave:** Sófocles, Edipo, homicidio, ley, Atenas.

I wish in this paper to reconsider the issue, raised by Harris (2010), of whether the Athenian audience of Sophocles' *Oedipus Tyrannus*, after hearing Oedipus' account (798-813) of the incident in which, while on a journey, he killed four or five men<sup>2</sup> one of whom – as circumstances now lead him to suspect – may have been Laius, then king of Thebes, would have considered Oedipus to be guilty of either intentional or unintentional homicide. Harris argued that they would have: I shall be arguing that they would not. At the moment when Oedipus tells the story, neither he nor any other character (except Teiresias, who exited for the last time at line 462) has any inkling

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<sup>1</sup> A version of this paper was presented to the Classical Society of Merton College, Oxford, on 26 October 2010. I owe a very great debt to Prof. Edward Harris for his trenchant critique of an earlier draft.

<sup>2</sup> Iocasta, in her description of Laius' party (752-3), says it consisted of five men including a herald, but it is not clear whether Laius is being counted as one of the five. Oedipus thought he had killed them all (813), but in fact one escaped, Oedipus presumably never having seen him.

that he may be Laius' son, and the question of parricide (let alone incest) will not be relevant to our discussion.

I begin with two quotations. First, Kitto (1966:202):

Next, the affair at the Three Ways, so shaped by Sophocles as to absolve Oedipus from serious guilt. ... If Oedipus had not been quick on the draw, the prophecy would have been fulfilled upside-down: father would have killed son. As the story is given us, it makes us see that there was fault on each side ... but if we are to speak of *hybris*, then the *hybris* was exclusively in the charioteer<sup>3</sup> and Laius.

Secondly, Harris (2010:136-7):

Oedipus' murder of Laius was not a form of legitimate self-defence. ... The verdict of the gods is quite plain and fully in accord with the principles of Athenian law. The gods have found Oedipus guilty because he is responsible for deliberate homicide.

So far as the facts are concerned, both writers are basing their verdicts on the same evidence, namely Oedipus' own account of the episode. Both of them are well aware of the risk of importing anachronistic standards of judgement, and both are trying to put themselves in the shoes of a fifth-century Athenian spectator. Which of them is right? Or, to put it another way, if these facts had come before a panel of Athenian judges, would they have voted to condemn Oedipus or to acquit him?

We must first consider whether we are entitled to ask the question at all. Would we, by doing so, be falling into the notorious "documentary fallacy" (Waldock 1951:11-24) of treating an imaginative creation as if it were the report of a real event? Two considerations suggest that in this case we would not. Oedipus is made to place special emphasis, at the outset of his narrative (800), on the assertion that he will "openly speak the truth" (τᾶληθὲς ἐξερῶ); and he describes the incident in considerable detail, especially the stages by which a trivial quarrel escalated so lethally, almost as if we were being invited to pass judgement on it. And if we do pass judgement, we can safely take our facts from Oedipus' own narrative, as both Kitto and Harris do. He seems to make no attempt to give the story a favourable rhetorical spin; at no point does he claim that his actions were justified, he readily avows that his first violent action was taken in anger (807) and that his retaliation against "the old man" was heavier than the action that provoked it (810), and he ends with the bare statement that he killed the whole party (or so he had supposed), without offering any explanation or excuse (813).

We will come back to the facts presently. What though of the law? Harris (2010: 131-3) gives a detailed list of the circumstances in which the killing of a person incurred no liability to punishment and (he convincingly argues) no ritual pollution. The only one which could conceivably be relevant to Oedipus' case is that of killing a person ἐν ὁδῷ καθελών (Dem. 23.53); this is glossed by Harpocration (o2) as ἐν

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<sup>3</sup> Kitto should have written "driver"; Laius was travelling in a four-wheeled carriage (ἀπήνη, 753, 803, 812), not a chariot.

λόχῳ καὶ ἐνέδρῳ. Harris (2010:132-3, 140-2) goes to great (and rather unnecessary) pains to demonstrate that these two nouns both mean “ambush”, which they certainly do; he does not, however, consider at all the question of the reliability of the gloss itself. There is no evidence that the phrase ἐν λόχῳ καὶ ἐνέδρῳ appeared in the actual text of the homicide law; Harpocration will have been citing, directly or indirectly, some orator’s interpretation of it, and we have no way of knowing whether that interpretation would have been generally accepted in classical Athens or whether it is just a piece of spin to suit the requirements of a particular case. It is, all the same, highly likely that ἐν ὁδῷ καθελῶν was in practice understood in a *somewhat* more restrictive sense than the words themselves would warrant, since if taken with strict literalness they might cover any killing whatever by a traveller during a journey, and for the sake of argument I am prepared to accept that the phrase was commonly understood in Harpocration’s sense. So interpreted, it would go far to achieve the necessary aim (in a pre-motor society) of enabling the traveller waylaid by highway bandits to protect himself effectively, without going so far as to put the innocent in serious jeopardy. Of course not all highway bandits would lie in ambush, but those who did not would mostly be covered by another clause of the law which allowed killing “in immediate defence against a violent robber” (Dem. 23.60).

These, as is well known, were far from the only opportunities which Athenian law gave to those under its jurisdiction for exercising legal and lethal self-help. It was lawful to kill a man caught having intercourse with one’s wife, or certain other female family members (Dem. 23.53); or to kill, on the spot or in hot pursuit, anyone found stealing anything at night (Dem. 24.113); or to kill a person exiled for homicide who had returned to Attica without permission (Dem. 23.28); or to kill anyone taking part in an attempt to overthrow the Athenian democracy, or holding any office under any non-democratic regime (Andoc. 1.96-98). But none of these provisions has any bearing on the case of Oedipus.

What though of self-defence? What am I supposed to do if someone attacks me (or my relative or friend or servant) and I have reasonable cause to believe, in the very short time available for decision, that his intention is to murder or at least to cause serious bodily harm? Does the law allow me to do whatever is necessary to stop him, even if it means killing him?

MacDowell (1963:75) argued emphatically that it did – indeed, more than that, that there was a law stating that a killing was not punishable if the deceased had been “the first to use unjust violence” (ἄρχειν χειρῶν ἀδίκων, a phrase used in this connection by Antiphon 4.2.1 and several times elsewhere in connection with other crimes of violence<sup>4</sup>). This view was based on the accepted restoration (Köhler 1867:35) of a badly damaged section of the late fifth-century reinscription of Dracon’s homicide law (now *IG* i<sup>3</sup> 104.33-34), and seemed to be supported when, after the stone had been cleaned, Stroud (1968:5; cf. *ibid.* 13, 56) read letters that would fit into the same phrase a line further on (34-35). But Stroud’s detailed notes on the inscription (p.13) show that in lines 33-34 four key letters (which he dots in his text) are represented only by slight

<sup>4</sup> Lys. 4.11; Isoc. 20.1; Dem. 23.50; [Dem.] 47.7, 9, 15, 36, 39, 40, 47; Arist. *Rhet.* 1402a3.

traces<sup>5</sup>, and without these there is not enough to justify restoring this phrase (or any other); and in lines 34-35 the only relevant letters that survive are ONΑΔΙΚΟΝ. Harris (2010) thus evidently feels justified in passing this inscription over without a mention.

There is, in any case, strong evidence *against* the existence of this supposed law in an important passage of Demosthenes' speech *Against Meidias* (21.71-76). Meidias, it will be recalled, had punched Demosthenes in the face (cf. 21.72-73), in public, in the theatre, at the celebration of the City Dionysia, when Demosthenes was a *choregos*; Demosthenes did not retaliate with violence, but brought a prosecution. In his speech he mentions two cases in which men who had been assaulted in an insulting (but not a dangerous) manner did retaliate, so strongly that they killed their assailant. At least one of these cases had come to court, that of a certain Euaeon, who killed one Boeotus at a dinner party "on account of a single blow" (21.71); Euaeon was tried for homicide, and convicted – Demosthenes says, by a margin of one vote (21.75). Harris (2010:133) holds that the mere fact of the conviction shows that the law posited by MacDowell cannot have existed, because "had it been permissible to kill someone merely in retaliation for a single insulting blow where there was no threat of deadly harm, the court would have acquitted him unanimously". This argument is not compelling, as becomes evident if it is stood on its head; for one might just as well argue that if there had been *no* such legal exemption, the jury would have been unanimous for conviction. Their actual verdict, taken on its own, would be quite consistent with a law stating that "the first to use unjust violence" could be killed without penalty; for "unjust violence" is an imprecise enough phrase to leave considerable room for disagreement as to whether the facts of any particular incident made a killing excusable. Decisive evidence, however, is provided by the way Demosthenes exploits the story. He is eager (21.74-76) to stress his own self-restraint, claiming to have set an example to others to show that when grossly insulted one should not "strike back in anger" but should have recourse to the judicial process. He could have given powerful support to this claim by referring to a law like that posited by MacDowell, a law which gave the victim in such circumstances the right not merely to "strike back" but to kill. He does not do so. Instead he discusses the issue as if it were purely a matter of – to quote the dicastic oath<sup>6</sup> – "the most just opinion", and suggests that the judges voted according to whether or not they thought it acceptable for the victim of an insulting attack to take such an extreme revenge (21.75); he had previously (21.73-74) pointed to a number of factors that made Meidias' attack on him considerably more heinous than Boeotus' attack on Euaeon, and thus enhanced the merit of his own forbearance. We may note, too, that he evidently did not know of any case in which a person who had been accused of homicide in similar circumstances had actually been acquitted, otherwise he would certainly have mentioned it<sup>7</sup>.

<sup>5</sup> Prof. Harris informs me, similarly, that according to a re-examination of the stone by his pupil Mirko Canevaro "one cannot be certain that any [of these letters] can actually be read".

<sup>6</sup> Dem. 20.118, 39.40. On this clause of the dicastic oath, see Mirhady (2007); I will be analysing its meaning somewhat differently in Sommerstein & Bayliss (forthcoming), but the differences do not affect the present discussion.

<sup>7</sup> Indeed, in the other case he does mention – that of Euthynus, who killed the pancratiast Sophilus in retaliation for an insulting blow – it is quite possible that the killer was convicted (and by a substantial

Having said that, there are several texts that seem at first sight to provide evidence in support of MacDowell's law; Harris does not mention any of them, evidently regarding them as of no significant weight, and on the whole I am inclined to agree that, to the extent that these texts have evidential value at all, they are outweighed by the evidence of Demosthenes' treatment of the Euaeon case. They deserve, however, to be passed in review.

1. In Antiphon's *Third Tetralogy*, where a young man is accused of murdering an older man who was injured in a fist fight and died a few days later, the defendant claims (Ant. 4.2.1) that he is entitled to acquittal because the dead man was "the first to use unjust violence". However, when the time comes for the defence to make its second speech, we find (4.4.1) that the accused has abandoned the case and gone into exile, even though the prosecution in effect admit that the dead man was the initial aggressor when they speak of the accused (4.3.3) as having "defended himself" or "struck back" (ῥιμύνατο). So this item amounts to nothing.

2. In a defence speech on a charge of wounding with intent, made before the Areopagus Council (the same body that tried cases of deliberate homicide), a client of Lysias complains of the prosecutor's refusal to hand over the slave-woman, about whom had arisen the quarrel and fight between the two men, for examination under torture; she would have been able, he says, to state, among other things, "whether this man was the first to use unjust violence, or whether I hit him first" (Lys. 4.11). Harris (personal communication) has argued that this is not relevant because the charge is one of wounding, not killing; that might seem rather special pleading, but in fact it would be perfectly reasonable for the law to be more lenient about treating provocation as an excuse in non-fatal cases than it was in fatal ones.

3. In the homicide code in book IX of the *Laws* (869c-d) Plato enacts that anyone killing another, even his brother, "in self-defence [or retaliation: ἀμυνόμενος is ambiguous], the other having used violence first", is to be "pure", with the sole exceptions of a child killing his parent and a slave killing a free person. That might be seen as supporting the view that contemporary Athenian law had a similar rule<sup>8</sup>. But it is also provided (866d-867e) that a person who kills another in anger at having been insulted, whether by deed or by word (866e), shall not be sentenced to death like an ordinary murderer but to exile (for two years if they act in immediate response to the provocation, for three years if they take time to plan revenge); a second similar offence will incur exile for life. This latter provision is rightly seen by Harris (2004:250-1) as designed to escape from the dilemma posed by cases such as that of Euaeon, of having to choose between inflicting the full penalty of murder and no penalty at all. The rule

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majority), since it would have helped Demosthenes' case if he had been able to say that Sophilus' family had not thought it appropriate to prosecute Euthynus.

<sup>8</sup> Plato's law is actually slightly more permissive than that posited by MacDowell, since it requires only that the deceased shall have been the first to use "violence" (χειρῶν), without specifying that his violence must have been "unjust".

of 869c-d must refer to some different class of cases where Plato felt it unproblematical to leave the killer unpunished – not necessarily cases where his life was under threat, but at any rate cases in which he was, or risked being, the victim of something worse than mere insult; and this is supported by the first clause in this section, which refers to a brother killing a brother “when a fight arises during civil strife, or in some such manner” (869c). It is clear that Plato’s law, in this area, is in some respects more lenient than contemporary Athenian law (since it is certain that in Athens, one who killed a man for a merely verbal insult was liable to the death penalty); so we cannot use the rule of 869c-d as evidence that a similar rule existed in Athens.

4. We have from the fourth century, if not an actual case, at any rate a vividly imagined hypothetical one, of insulting behaviour, involving no violence at all, being avenged by instant death. This comes from Hypereides’ speech in defence of Lycophron, who has been prosecuted by *eisangelia* for adultery with the wife of Charippus – one of his prosecutors being no less a figure than Lycurgus, the most powerful politician of the day. Lycurgus had alleged (Hyp. Lyc. 3) that on the woman’s wedding day, Lycophron had followed her as she was being driven to her new home and urged her not to consummate her marriage but to reserve herself for him. Lycophron says (§6) that he would have had to be mad to do anything of the sort. Dioxippus, the bride’s brother, was a famous wrestler, and so was his friend Euphraeus who was also present; Lycophron could not have spoken as he did without risk of “being strangled on the spot”:

For who could have endured hearing such things said about his sister as they accuse me of having said, and not have killed the man who said them?

Lycophron, and his expert adviser Hypereides, seem to be expecting his judges to find it credible, indeed normal, that a brother should react to a serious slight on the honour of his sister by killing the offender – an act which, beyond controversy, was punishable by death. And indeed one man known to every Athenian had actually done just that: his name was Harmodius, and his sister had been denied the right to be a *kanephoros* in a festival procession (which carried the implication that she was not a virgin)<sup>9</sup>. But these very examples show that the fact that an act could be regarded as normal behaviour would not preclude it also being a very serious crime<sup>10</sup>.

5. The story (D.S. 3.67.2) of how the young Heracles, angry when his music tutor Linus subjected him to corporal chastisement, struck and killed him with his *kithara*, is already reflected in fifth-century art (Gantz 1993:379), and was the subject of a satyr-play by Achaëus and, in the next century, of a comedy by Alexis and probably of

<sup>9</sup> Thuc. 6.56.1 (not at the Panathenaea, *pace* Arist. *Ath.Pol.* 18.2; see Hornblower 2008:448).

<sup>10</sup> So in more recent times, in the case of practices like vendetta killings in some societies or élite duelling in others, there has sometimes been a widespread cultural acceptance of actions which the law regarded as crimes punishable by death.

another (called *Heracles*) by Anaxandrides<sup>11</sup>. We hear in pseudo-Apollodorus (2.4.9) of a somewhat un-Heraclean sequel:

When a charge of murder was brought against him, he produced a law ordained by Rhadamanthys that he who retaliated against one who had been the first to use unjust violence should suffer no penalty, and so he was freed.

This picture of Heracles the lawyer is so out of keeping with the hero's regular image that one strongly suspects it has a comic origin. But in Attic comedy, with its well-known delight in anachronisms and other incongruities, one would expect that if Heracles defended himself on the basis of a law which was in fact a real Athenian law, he would call it a law not of Rhadamanthys but of Solon (or in this case Dracon). At any rate there are too many uncertainties, both on this score and about the classical Attic pedigree of the trial story itself, to justify attaching any great weight to it as evidence about classical Athenian law.

We can thus still be fairly confident that there was not in fifth-century Athens any law that permitted, or could even be plausibly read as permitting, the killing of an assailant simply because he had struck the first blow. But what if the assault was of a kind that could reasonably be regarded as life-threatening? On this there is a signal lack of evidence in our forensic texts, which neither contain nor refer to any case raising this issue, although some such cases must surely have occurred. Harris himself (2010:136) points to the argument that Oedipus advances in *Oedipus at Colonus*. Oedipus has already said (*OC* 548) that he is "pure in law", and later in response to Creon (*OC* 992-8) he asks him:

If, here and now, there were someone next to you – you, the righteous man – and trying to kill you, would you try and establish whether the murderer was your father, or would you hit back at once? I fancy that if you love your life, you'd hit back at the guilty party, without close examination of the rights and wrongs of the matter. Well, that was the plight that I walked into, led by the gods.

Strictly speaking, as Gagarin (1978:118 n.32) says, the matter at issue here is only whether Oedipus is morally guilty of parricide; but his question actually *presupposes* that if the person attempting to kill him had *not* been his father, then he would have been uncontroversially entitled to strike back with lethal force. It is thus reasonable to infer that this proposition is one which Athenians would have had no difficulty in accepting; and since Athenian judges were unconditionally sworn to vote according to the law<sup>12</sup>, there must have been a law providing that a person attempting a life-threatening attack on another could be killed with impunity. We find a similar presupposition, in rather a similar context, in a discussion of parricide and matricide in Plato's *Laws* (869b-c):

<sup>11</sup> Anaxandrides fr. 16 appears to be spoken by a music-teacher – who, in a play about Heracles, is likely to be Linus.

<sup>12</sup> See Mirhady (2007:48-50, 229 n.9); this clause of the dicastic oath is explicitly referred to by the orators on about twenty-six occasions.

In this unique case – where no law will permit the killing of a father or mother, those who brought one’s being into the light, even in defence of one’s life (ἀμυνομένῳ θάνατον) when one is about to die at a parent’s hands, but will rule that one must submit to any fate rather than do such a thing – how can the law properly allow that person to meet any other punishment (sc. than death)?

Here it is taken for granted, as something too obvious to require argument, that if killing is to be legally permitted in any circumstances at all, it will be permitted in defence of one’s life, though it is stated that even this exemption will not apply to the killing of one’s father or mother. A little later (874b-d) we are given a list of types of homicide which are not to incur punishment or pollution, each of them clearly revised from the Athenian code in interesting ways<sup>13</sup>, and the last of them is:

And if a person kills another in defending the life of his father (if the latter is doing no wrong [μηδὲν ἀνόσιον δρῶντι]), or of his mother, children, siblings, or spouse (συγγενήτορι τέκνων, lit. “co-generator of children”), he shall in all cases be pure.

Once again, killing in defence of one’s own life is taken for granted and not explicitly mentioned. It seems to me very likely that Dracon’s code contained a provision of that sort (though without the phrase “if the latter is doing no wrong”, which is a thoroughly Platonic touch); the limitation to the defence of close relatives (relatives of the same degrees that figure in the Draconic law about the killing of adulterers) seems like an archaic feature – indeed I am rather surprised that Plato did not relax that limitation.

To sum up, then, what appears to have been the legal position in Sophocles’ time regarding the kinds of situations in which a lone traveller like Oedipus might find himself. He could lawfully kill anyone who was threatening his life, or who was trying to rob him, or who attacked him from ambush. He had no legal right to kill someone who merely struck him in an insulting but not life-threatening manner – though he might possibly be able to persuade a court to acquit him nevertheless (Euaeon failed, but not by much). How does Oedipus’ case fare against these criteria?

In the first place, we should not use Oedipus’ statements in *OC* to guide us in our interpretation of *OT*. This is not just because *OC* was written many years later. Most of the audience of *OC* probably had some knowledge, direct or indirect, of *OT*, just as they clearly had of the still earlier *Antigone*<sup>14</sup>; and since they are nowhere in *OC* given a detailed narrative of the fatal meeting between Oedipus and Laius, they are likely

<sup>13</sup> For example, anyone committing a rape may be killed without penalty by the victim, or by the victim’s father, brother, son or husband (874c) – but there is no such exemption in a case of consensual seduction. Euphiletus, the killer of the adulterer Eratosthenes and speaker of Lysias 1, would have had no defence in Plato’s courts.

<sup>14</sup> The scene (*OC* 1405–46) in which Polyneices asks his sisters to see to his burial should he be killed in the attack on Thebes, and Antigone begs him in vain not to proceed with the expedition, depends for much of its enormous poignancy on the audience’s knowledge of what happened to Antigone as a result of her obedience to her brother’s request, right up to its almost unbearable climax when the departing Polyneices prays to the gods that his sisters may never meet with misfortune because they so obviously do not deserve to (1444–6) – just after his obstinacy has effectively condemned one of them to death.



to have understood the rather vague statements which they *are* given on the basis of what they remembered of the story told in the older play. But few if any will have had *total* recall of that story; and should it prove to be the case that the *OT* narrative does not justify the claims of legal and moral innocence that Oedipus makes in *OC*, that is well within the degree of inconsistency that is often found in Sophocles even within the bounds of a single play. The guilt or otherwise of Oedipus in *OT* must be assessed on the basis of *OT* alone.

And in *OT*, what are the facts? The incident took place at a junction of three roads in Phocis (*OT* 729-734); all three roads were wide enough for wheeled traffic (ἀμαξιτοί, 716, 730). Oedipus later recalls that one of them – the one from Delphi, presumably, which he was on – became narrower near the junction (1399), but this was not mentioned in his main narrative, and when we do hear it we are hardly likely to go back and revise our assessment of that narrative. Laius' party consisted of five men including a herald, and he was riding in a single carriage (752-3); so presumably the answer to Oedipus' question of 750-1 – “Was he travelling on a small scale, or did he have a large escort fit for a king?” – is “On a small scale”. And this is how Oedipus describes the meeting:

On my way I came to the place where you say that king perished. And, lady, I will tell you the full truth. When in my journey I had come near to that three-ways point, there I was met by a herald and a man mounted on a horse-drawn carriage, a man such as you described; and both the man in front (ὁ ἡγεμῶν), and the old man himself, tried to push me off the road by force. In anger I struck the man who was turning me aside, the driver. When the old man saw that, he kept his eye on me as I walked past the carriage, and struck me full on the head (μέσον κάρρα) with his double-pointed goad (διπλοῖς κέντροισι). But he more than paid for that: I struck him on the instant with my staff, held in this very hand, and at once he tumbled right out of the carriage and fell on his back. And I killed them all.

Since there is no question here of ambush or of robbery, the vital issue that concerns us is whether Oedipus' life was in danger. There may be one other question arising. We might want to ask whether Oedipus' killing of “the old man” – assuming that it was criminal at all – would actually count as *wilful* homicide (φόνος ἐκ προνοίας). As Harris (2004:245-250) shows, if the case had ever come to trial, that might well have been disputed: sometimes the courts acted as though conviction for φόνος ἐκ προνοίας required proof of an intention to kill, sometimes they assumed it was sufficient that the accused had committed a wilful act which was intended to do harm and resulted in death. If Oedipus had used a sword, there would have been no doubt about the matter. But in fact he struck out with his walking-stick. Perhaps he hit the old man on the head with such force as to crack his skull: such a blow, even with a wooden implement, can sometimes be fatal. Or perhaps the blow merely caused the man to overbalance, fall out of the carriage “on his back”, and strike his head on the ground: that too can be fatal, but such a consequence could hardly have been foreseen. We do not know which it was, and we have no right to ask. We therefore cannot say for certain whether Oedipus' crime, if crime it was, was that of wilful or of unwilful homicide (φόνος

ἀκούσιος). But actually this would matter very little for the purposes of the play. Even unwilful homicide was punishable by exile, unless or until all the dead man's relatives were willing to pardon the killer<sup>15</sup>. And Oedipus at an early stage (*OT* 228-9), in order to encourage anyone with knowledge of the crime to reveal it, had ruled out the death penalty even though at that point he, like everyone else, believed the killing to be the work of an organized gang, whether of robbers or of hired assassins (122-7).

I should mention, by the way – since Harris (2010:135, 136) lays considerable stress on it – the fact that the old man “more than paid” for what he had done, i.e. that what he suffered at Oedipus' hands (death) was out of proportion to what Oedipus had suffered at his hands. As was pithily pointed out by Gagarin (1978:118 n.32), “if the victim ‘got more than he gave’ ... so did virtually every victim of homicide in self-defense”. If this proportionality argument had any force, it would have to follow that the only person who could legitimately kill his assailant would be one who was already dead (or perhaps dying) himself.

Leaving that aside, we can at last come to the nub of the matter. On the story Oedipus tells us, was his life in danger? He is travelling alone. He meets a group of (as he thinks) four or five men (there was in fact one more, whom he never saw and who escaped). Without any provocation, two of them, probably three, try to shove him off the road as if he were a slave (cf. Gregory 1995). I say “probably three” because, as Dawe (1982:174 = 2006:141) showed, the ἡγεμῶν and the driver are almost certainly different persons (the former being the herald, who evidently walked ahead of the carriage and who was the first person Oedipus saw) and both of them, as well as “the old man himself”, are described as trying to push Oedipus aside. Oedipus retaliates by striking the driver, probably with his hand or fist. If the matter had ended there, it would in Athenian law have been a case of *aikēia* or *hybris*, and the question who used violence first would probably have been of considerable significance (cf. Dem. 23.50). But it did not end there. The old man struck Oedipus full on the head with a pointed goad<sup>16</sup>. What is more, he had been watching for the moment to strike – carefully timing his blow, that is, to have the maximum effect. It could easily have been fatal. And this old man was clearly the leader of the party; Oedipus would have every reason to expect that the others would follow his example and set upon him too. He was not, however, in Kitto's words, “quick on the draw”; in fact he did not draw his sword at all at this point – whether because he instinctively used the stick that was in his hand already, or because he knew that if he killed the leader, the others would certainly seek instant revenge.

As fate would have it, the blow he struck *did* kill the leader. Now Oedipus only had the choice of fighting or fleeing. But that was, in fact, no choice at all. Oedipus,

<sup>15</sup> *JG* i<sup>3</sup> 104.13-16; [Dem.] 43.57.

<sup>16</sup> For a “double-pointed” κέντρον cf. [Aesch.] *Prom.* 692 ἀμφήκει κέντρῳ. Harris (2010:135) speaks of Laius' implement at one moment as a whip, and at another as a “two-pronged lash”. But if Sophocles had meant us to envisage it as a whip, he would have written διπλῆ μάστιγι, not διπλοῖς κέντροισι. I know of only one possibly tragic passage in which κέντρον clearly denotes any object that does not have a sharp point – Soph. fr. dub. 1140 (= fr. 802 Pearson), in which, according to Hesychius (ρ88), ῥακτήριοις κέντροισι refers to oars διὰ τὸ ῥάττεσθαι (ἀράττεσθαι cod., corr. Schmidt), i.e. because, while they are shaped vaguely like a goad, they “smite instead of stabbing” (Pearson 1917:iii 41). Note that while an oar does not have a sharp point, at least it is rigid, as a goad is, whereas a whip is flexible.

we must not forget, had swollen feet; at 1031-6 it is assumed that the audience already know this etymology of his name, and we have already been reminded (718) of how Laius pinned his infant son's ankles together. Oedipus himself has always been aware and ashamed of his deformity and handicap (1033-5); and it is reasonable to suppose that its effect was perceptible to the audience in his gait on stage<sup>17</sup>. It would thus be evident that he would have been in no position to make a fast getaway, particularly when his enemies had horse-power at their disposal. His only chance of survival was to stand and fight – for what was, so far as we are told, the only time in his life. And so the road was strewn with corpses – and incidentally, we do not learn whether that of Laius was ever recovered or given burial.

Oedipus is not blameless in this incident; he had no need to hit the driver. But that does not make him guilty in respect of “the old man's” death. Or it would not have done, if only the old man had not been Laius. For Apollo has instructed the Thebans that they must exile, or put to death, the killer or killers of Laius; Oedipus himself has pronounced a curse against that person or persons; and what is more, as we know though he does not, Laius is his father. If Oedipus is the killer of Laius, he is thus triply doomed.

But if the man he killed was *not* Laius? It is very striking that after Oedipus has told his tale, neither he nor the others present speak or act as though he had confessed to a multiple murder. Even if the victims of that murder were not Theban, the perpetrator, coming to Thebes, would still have required ritual purification (see Parker 1983:118, 134-5, 375-392<sup>18</sup>); he has never received it, never till now acknowledged his crime. And yet no one seems concerned about this – only about the identity of the victim. Oedipus himself says:

But *if that stranger had any connection with Laius*, who could now be more wretched than myself, what man could be more hated by the gods – I whom no citizen or foreigner may receive in his house nor anyone speak to, but whom all must drive from their homes? And it was no other but I that placed these curses on myself! (814-820; he continues in the same vein for another 13 lines)

The chorus-leader says:

To us, my lord, this gives cause for concern; but *until you have learned everything from the eyewitness*, have hope. (834-5)

The only fact about the episode that is known to the eyewitness but not to Oedipus is whether the incident in which Oedipus was involved is the same as the incident in

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<sup>17</sup> Taplin (1982:155-6) rejects this inference (“though not confidently”) because “such a peculiar stage device would call for some comment” – apparently an application of the dubious dogma (Taplin 1977:30) that in Greek tragedy “there was no important action which was not also signalled in the words”. He does not regard 1031-5 as a verbal signal meeting this requirement, because it contains no “allusion to a persisting disability” – but what about the δεινὸν ὄνειδος of 1035?

<sup>18</sup> Citing the following mythical examples of persons who (in all or some versions of their myths), after arriving in a community from abroad, seek and receive purification there in respect of the killing of someone not a member of that community: Alcmeon, Amphitryon, Bellerophon, Carnabas, Cephalus, Copeus, Heracles, Orestes, Peleus, Penthesileia, Poemander, Theseus, Tydeus.

which Laius was killed. At this point (836-843) Oedipus remembers that the eyewitness had said that Laius was killed by “robbers” (plural); all will now depend on whether he sticks to that story:

If he still says the same number, then *I was not the killer*, since “one” can never be equal to “many”. (844-5)

Again, the fact that on his own showing he was still *a* killer does not matter. Iocasta takes the same view:

Well, I can tell you that that was what he said at the time, and he won’t be able to abandon his story now, because the whole city heard it, not just myself (848-850).

Thus everybody takes it for granted that if it was not Laius whom Oedipus killed, then he is completely in the clear and has nothing to worry about (provided, of course, that he continues to keep away from Corinth where, as he and everyone else believes, his parents still live).

And that is essentially the last we hear about the matter. The latter part of this same speech by Iocasta (851-8) focuses on the different question of the truth or falsehood of the oracle which said that Laius would be killed by his own son; in the next scene our attention is diverted first to the news arriving from Corinth of the death of Polybus, and then to the mystery of Oedipus’ origins; and when the eyewitness arrives, no one asks him a single question about the death of Laius – rather, once Oedipus knows that he “was born from whom I should not have been, and consorted with whom I should not have”, he simply assumes that he has also “killed whom I should not have” (1184-5). It is no longer a case of “It looks terribly much as though I may have killed Laius”; it is simply, and appallingly, a case of “I killed my father”. And, just as in the *Laws*, if he *has* killed his father, the circumstances do not matter: the guilt and the pollution are the same in any case. Nor, apparently, are they diminished by the fact that he did not know that his victim was his father. He said – so the messenger tells us – that he was putting out his eyes

so that in future it would be in darkness that they saw those whom they should not have seen, and failed to recognize those whom he wanted to know (1273-4).

Of course there is no *future* prospect of Oedipus’ eyes doing either of these things, nor would there have been even if he had spared their sight: what he means is that he is “punishing” his eyes (and thereby punishing himself) for what he has seen, or failed to see, in the *past*. And that is the only reference he makes to his ignorance, in relation to the parricide (there is one more reference, in relation to the incest, at 1484). He sees himself as deserving the worst possible fate, and repeatedly judges himself more harshly than anyone else, notably Creon, is prepared to judge him<sup>19</sup>.

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<sup>19</sup> OT 1340-6, 1349-55, 1360-6, 1374, 1397, 1407-8, 1410-2, 1433, 1519.

If we have analysed correctly the facts of the encounter as presented in *OT*, they are not detectably different from the facts as apparently assumed in *OC*. There, on all the three occasions when Oedipus puts forward his claim of moral, legal and religious innocence, he mentions the fact that he killed his father not knowing who he was; once (270-2) he adds that he was “retaliating for what had been done to him” (παθῶν ... ἀντιέδρω), and once (992-6)<sup>20</sup> that Laius had been trying to kill him – which is at any rate a reasonable view for Oedipus to have taken, if he was attacked in the manner he had described in *OT*. Why then, having in the earlier play described himself as “the mortal most hated by the gods” (1345-6, cf. 1519), “evil and of evil birth” (1397, cf. 1433), does he now say that he is not evil (270-2) and is “pure in law” (548)? That is really two questions: firstly what was Sophocles’ motive for giving Oedipus this different attitude in the later play, and secondly how (if at all) he explained the difference in terms of Oedipus’ thoughts or experiences. The first question is well answered by Harris (2010:139):

The action in *Oedipus at Colonus* ... concerns the origin of [Oedipus’] hero-cult in Attica. In this play Oedipus is rehabilitated to provide the Athenians with a worthy protector. The emphasis in this play is therefore on Oedipus’ innocence.

To the second question, Sophocles, now writing a separate drama, had no absolute need to provide an answer. But in fact he has done so, through Oedipus’ own mouth. This is what he is made to say (*OC* 431-444):

Would you say that the city granted me this boon [exile] properly when it did, because it was what I wanted? Certainly not! On the first day, when my heart was seething, and it would have been my greatest pleasure to die by stoning, no one appeared to help me fulfil that desire.

(This is not precisely Oedipus’ attitude in *OT*, where he speaks mostly of exile rather than death; but he does ask at 1410-1 to be cast out *or killed, or thrown into the sea* – and is required, against his will, to stay in Thebes until further notice.)

But when time had passed, and all my suffering had grown less bitter, and I became aware that my anger had gone overboard in excessively punishing my previous errors, then it was that after all that time the city drove me out of its bounds by force, and *they* – their father’s sons, who could have helped their father – refused to do so, so that for the lack of a little word from them I was expelled to be for evermore a banished, wandering beggar.

So too, speaking later to Creon (764-771):

Previously, when I was sick with my private sufferings, when it would have delighted me to be cast out of the land, you refused to do this favour to one who desired it; but

<sup>20</sup> Or twice, if we adopt (as we probably should) Mekler’s emendation in 547, καὶ γὰρ ἄν, οὓς (καὶ γὰρ ἄλλους codd.) ἐφόνευσ’, ἔμ’ ἀπώλεσαν (ἐφόνευσα καὶ ἀπώλεσα codd.)

when my passion had become sated, and I found it pleasant to live in my home, *then* you thrust and threw me out, and you had no interest at all then in this kinship you talk of.

Oedipus' self-condemnation at the end of *OT*, then, is retrospectively explained as due to the appalling trauma of discovering the truth. Subsequent reasoned reflection has convinced him that he is no criminal, but rather a uniquely great victim (*OC* 104-5, 266-9, 521-548, 962-990) – a victim of the gods<sup>21</sup>. We, who were but spectators of the discovery and the trauma, should have been able to reason and reflect even as we watched and listened; and, doing so, to come to the same conclusion as Oedipus himself did, months or years later. Oedipus has made errors, has even committed wilful wrongs (always in anger): he should not have struck the carriage-driver, and he should not have accused Teiresias of plotting the death of Laius (on no evidence) or Creon of treason (on very little). He has also done, not knowing that he was doing them, two of the most ghastly deeds that any Greek could conceive of. But of either the wilful or the unwilful homicide of Laius, he is not guilty.

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<sup>21</sup> It does not fall within the purview of this article to consider what reason(s), if any, the gods are presented as having had for making Oedipus a victim. Kovacs (2009) argues that we are meant to understand that (as in Aeschylus) Apollo is making Oedipus suffer for an offence committed by Laius; some corroboration for this view may perhaps be found in a few passages towards the end of the play (not mentioned by Kovacs) in which Oedipus seems to imply that his parents were guilty as well as himself (*OT* 1360 “child of impious parents”, 1383 “impure and of the race of Laius”, 1397 “evil and of evil ancestry”).

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