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RIVERSIDE

Justice and Punishment  
A Comparative Study of Inherited Responsibility in Ancient Greece and Early China

A Dissertation submitted in partial satisfaction  
of the requirements for the degree of

Doctor of Philosophy

in

Comparative Literature

by

Duluo Nie

September 2019

Dissertation Committee:

Dr. Lisa Raphals, Chairperson

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The Dissertation of Duluo Nie is approved:

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Committee Chairperson

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## ABSTRACT OF THE DISSERTATION

### Justice and Punishment A Comparative Study of Inherited Responsibility in Ancient Greece and Early China

by

Duluo Nie

Doctor of Philosophy, Graduate Program in Comparative Literature  
University of California, Riverside, September 2019  
Dr. Lisa Raphals, Chairperson

This dissertation aims to discuss the subject of “inherited responsibly” in Ancient Greece and Early China via a comparative lens. By “inherited responsibility”, I under most circumstances mean the inheritance of the responsibilities down the lineage in a family, or to quote Solon, “the guiltless will pay for the deeds later: either the man’s children, or his descendants thereafter”, which is also echoed continuously in the *Taiping Jing* (太平經, The Canon of Grand Peace). In light of the immense and complex nature of the materials covered and of the topic itself, I would like to simplify the connotation of the guilt, since guilt, under the context of inherited responsibility, could take various forms, sometimes vague enough for us to know their exact meaning, the *kakon* in Solon’s poems,

or *e* (惡, evil) in the *Taiping Jing*, for instance. In this dissertation, guilt will be understood in their own contexts, without having to conform to one set of system to be judged. Matters such as hereditary social status, which is a very common element concerning inherited responsibility in aristocratic societies but is less relevant to our present discussion, will not be excluded, but referred to when necessary. Moreover, collective punishment, the radical expression of inherited responsibility, will also be incorporated into our analysis.

Inherited Responsibility plays a major role in the reflections of both cultures on divinity, society, laws, and human knowledge in nearly all the Greek genres, epic, lyric poetry, tragedy and historiography, and in early Chinese historiography, laws and religions. The prominence of this phenomenon in ancient Greece and early China is highly dependent on the patriarchal nature of their societies, which emphasizes ancestry, blood descent and family continuation. The similar social structure also allows us a solid foundation for the purpose of a comparative study. This dissertation attempts to further our understanding of the role of inherited responsibility that is played in both cultures in general. And through comparison, we are able to observe some striking similarities of its place in establishing theodicy in philosophy and in historiography, aside from many differences due to particulars in cultural contexts, which also belong to our discussions.

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## INTRODUCTION

This dissertation aims to discuss the subject of “inherited irresponsibly” in Ancient Greece and Early China via a comparative lens. Before we dive into the distribution of chapters for my research, there is a need of clarification for the meanings of the term “inherited responsibility” in this dissertation. By “inherited responsibility”, I under most circumstances mean the inheritance of the responsibilities down the lineage in a family, or to quote Solon, “the guiltless will pay for the deeds later: either the man’s children, or his descendants thereafter”, which is also echoed continuously in the *Taiping Jing* (太平經, The Canon of Grand Peace). In light of the immense and complex nature of the materials covered and of the topic itself, I would like to simplify the connotation of the guilt, since guilt, under the context of inherited responsibility, could take various forms, sometimes vague enough for us to know their exact meaning, the *kakon* in Solon’s poems, or *e* (惡, evil) in the *Taiping Jing*, for instance. In this dissertation, guilt will be understood in their own contexts, without having to conform to one set of system to be judged. Matters such as hereditary social status, which is a very common element concerning inherited responsibility in aristocratic societies but is less relevant to our present discussion, will not be excluded, but referred to when necessary. Moreover, collective punishment, the radical expression of inherited responsibility, will also be incorporated into our analysis.

Inherited Responsibility plays a major role in the reflection of both cultures on divinity, society, laws, and human knowledge in nearly all the Greek genres, epic, lyric poetry, tragedy and historiography, and in early Chinese historiography, laws and religions. The prominence of this phenomenon in ancient Greece and early China

is highly dependent on the patriarchal nature of their societies, which emphasizes ancestry, blood descent and family continuation. The similar social structure also allows us a solid foundation for the purpose of a comparative study.

Most Greek city-states featured the *oikos* as the basic unit of society. *Oikos*, in normal Attic usage in the context of families, referred to a line of descent from father to son from generation to generation. In Early China, the society is dominated by the gentry class, which originated in Shang and early Zhou times as powerful families who made up the personal retinues of the lords sharing the same last name. Thus they remained until the Spring and Autumn period, when the princes of the expanding states into which China was now divided looked to them to officer their new armies and staff their new bureaucracies.

Chapter one explores the representations of inherited responsibility in Homeric and Hesiodic epics. It primarily looks at the oath-swearing scene in Iliad Book II and its ritualistic significance of establishing a collective identity among the swearing parties and a collective responsibility for upholding the terms represented in the oath-sacrifice. This chapter also examines the nature of the justice of Zeus in Hesiodic epics through the lens of *exoleia* (family destruction). Scholars have claimed that the Hesiodic justice is chaotic and arbitrary, but I argue that Hesiodic collective punishment by Zeus is heavily based on his moral philosophy, especially that of rewards and punishments.

Chapter two examines the extant poems we have of the Athenian law-giver Solon. In Solon's fragments, we have the first clear expression of inherited responsibility in Greek literature that the children, grandchildren, and their descendants may inherit

punishment from a person who has escaped it by dying. In this chapter, I argue that Solon's understanding of inherited guilt is closely related with the the rise of Ionian rationalization of things. His emphasis on the balance of wealth, rewards and punishments among generations corresponds with the framework of the Solonian justice, which is based on the cosmological balance that the natural philosophers in Athens at that time advocates. Moreover, Solon's understanding of inherited responsibility also anticipates the idea of endurance and tranquility in later stoicism. There will also be discussions that examine the Croesus-logos in Book I of Herodotus' *Historia*. Book I presents a most notable example of inherited responsibility that Croesus is fated to receive the punishment for the transgression of his ancestor Gyges in the fourth generation back, when the latter took Kandaules' wife and throne. Dodds believes that Herodotus sees such deferred punishment as peculiarly theion, and contrasts it with human justice (*to dikaion*). I will tackle this question further by leading it to how deferred punishment is handled in the *Oresteia*.

Chapter three draws evidence of inherited responsibility from the Greek orators' court speeches that if a male citizen loses his citizenship of Athens, there is a law that requires his sons to be exiled together with the father. This chapter also examines the role of inherited responsibility in Aeschylus' *the Oresteia*. First of all, I argue that inherited guilt as a central theme does exist in *the Oresteia* in the form of curse on the House of Atreus. Secondly, I argue that the inherited guilt through the curse represents a pre-law society, and once the curse ends, it marks the establishment of public justice.

Chapter four offers a detailed historical survey about the interpretations of the ambiguous phrase *yuzenuluru* (餘則孥戮汝, its literal meaning in general is that I will kill you and your sons and wives ) in the *Shangshu*. Its importance lies in that it is the first proof of collective punishment that could be found in the ancient texts of China. Confucian disciples from Han to Qing dynasty, with a few exceptions, tend to believe that it is used only as a verbal threat, but it does not exist as a penalty. I use the excavated texts to argue that although the prohibition to kills innocent sons is a critiquing force in *Zhou* dynasty and is held a rule in later legal codes, clan extermination still existed as an effective measure to maintain stability and manipulate population. Texts to be used include *Shangshu* 尚書, *Zhouli* 周禮, *Zuozhuan* 左傳, *Guanzi* 管子, *Hanfeizi* 韓非子, *Shiji* 史記, *Qin Laws* on bamboo strips excavated from *Shuihudi* 睡虎地秦簡.

Chapter five looks at the Daoist canon Scripture on Great Peace in the Eastern Han. It focuses on the concept of *chengfu* (reception and transmission of ancestral fault, 承負) that the disorders that pour are essentially the result of the wrongdoings of ancestors transformed into a force that brings misfortune upon the descendants. The Scripture on Great Peace maintains that when ancestors are not able to exculpate or redeem themselves within their lifetime, their descendants will repay all the debts. This chapter will explore the social backgrounds of the rising of the idea *chengfu* and use excavated tomb inscriptions in Eastern Han to show that the idea of reception and transmission of ancestral faults could also be attested in burial rituals.

The methodology embraces that of traditional philology of classics, political science, anthropology, history and literature.

## CHAPTER ONE

### Early Evidence of Inherited Responsibility in Homeric and Hesiodic Epics

This chapter will deal with the problem of inherited responsibility in various forms in the early epics of Homer and Hesiod. Scholars have argued whether inherited responsibility appears in Homeric and Hesiodic epics either as a commonly accepted notion whose residues could still be detected in fantastical literature or as a reality that could be deducted from extant documents. E.R. Dodds, with many other scholars for instance, holds the opinion that the idea of inherited guilt, in whatever form, is a post-Homeric development, a product of Delphic teaching or of a creeping sense of guilt.<sup>1</sup> In this chapter, I will attempt to argue the existence of inherited responsibility in Homeric epics through analyzing the collective oath and the ritualistic performances.

#### 1. Oath and Self-Curse

In the *Illiad* Book II, seeing the low morale of the Achaeans, Athena inspires the most eloquent of the Achaeans, Odysseus to call them back. He shouts with words of encouragement and insult goading their pride with the wish to restore their confidence. He tells them of the prophecy that the soothsayer Calchas gives when the Achaeans are first mustering their soldiers back in Greece: a water snake has slithered to shore and devoured a nest of nine sparrows, and Calchas interpretes the sign to mean that nine years would pass before the Achaeans would finally take Troy (309-320). As Odysseus reminds the Achaeans of the promise (ὑπόσχεσις, 286) that

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<sup>1</sup> Parker 1983, 198-201. Dodds, 36. Kakridis 1929, 141-68.

they would not return until they “saked the well-walled Illios” (288) and Nestor reminds the Achaeans of “the treaties and the oath” (πῆ δὴ συνθεσῖαι τε καὶ ὄρκια βήσεται ἡμιν, 339).

The Trojans march from the city gates and advance to meet the Achaeans. Paris, the Trojan prince who initiate the war by stealing the beautiful Helen from her husband, Menelaus, challenges the best of Achaeans to fight with him face to face in dread combat (20). When Menelaus, who is dear to Ares, steps forward, however, Paris loses heart and shrinks back into the Trojan ranks. Hector, Paris’ brother and the leader of the Trojan forces, mocks the cowardice of Paris that “there is no strength nor valor in his hear ” (45) and readdresses the issue of the cause of this nine-year war and its disastrous consequence and the involvement of his father, his city and his people.

ἦ τοιόσδε ἐὼν ἐν ποντοπόροισι νέεσσι  
πόντον ἐπιπλώσας, ἐτάρους ἐρήρας ἀγείρας,  
μιχθεὶς ἀλλοδαποῖσι γυναῖκ’ εὐειδέ’ ἀνήγεγες  
ἐξ ἀπίης γαίης νυὸν ἀνδρῶν αἰχμητῶν  
πατρί τε σῶ μέγα πῆμα πόληϊ τε παντί τε δήμῳ (Il. II, 46-50)

Was it in such strength as this that thou didst sail over the main in thy seafaring ships, when thou hadst gathered thy trusty comrades, and, coming to an alien folk, didst bring back a comely woman from a distant land, even a daughter of warriors who wield the spear, but to thy father and city and all the people a grievous ban.<sup>2</sup>

Deeply humiliated by Hector’s insult, Paris finally agrees to a duel with Menelaus, declaring that the contest will establish a peace treaty between Trojans and Achaeans by deciding once and for all whoever wins the battle shall have Helen as his wife, while other people outside the battle remain friendly to each other. When

<sup>2</sup> All Greek passages and their translations are quoted from Loeb, unless otherwise noted.

Hectors says this, he calls for a sacrifice in attestation of a trustworthy oath (ὄρκια πιστὰ τάμωμεν, 95). Menelaus, however, insists that Priam is brought in order that “he himself cut the oath with sacrifice” (ὄφρ’ ὄρκια τάμνη αὐτός, 105-106), because his sons are “arrogant and unfaithful” (ὑπερφίαλοι καὶ ἄπιστοι, 106). The concern here is to ensure the validity of the oath. The seniority of the old, to some extent, will guarantee the force and the effectiveness of the oath sworn. And that young children are not suitable for swearing the oath implies the calamity of falsely swearing it, which anticipates the self-curse in their sworn oath. And the fear clause (μὴ τις ὑπερβασίη Διὸς ὄρκια δηλήσηται, 107) adds to the solemnity of the oath, which is not to be transgressed, or done harm to. We can also view the central theme of Iliad book III as “faith and oath”.

And we come to the “the great oath of the armies described in Books 3 and 4 of the Iliad”, “the earliest explicit attestation of ancestral fault in the record of Greek poetry” identified by Renaud Gagné<sup>3</sup>.

‘Ζεῦ κύδιστε μέγιστε καὶ ἀθάνατοι θεοὶ ἄλλοι  
ὄππότεροι πρότεροι ὑπὲρ ὄρκια πημήνειαν  
ὄδδ’ ἐγκέφαλος χαμάδις ῥέει ὡς ὄδε οἶνος  
αὐτῶν καὶ τεκέων, ἄλοχοι δ’ ἄλλοισι δαμεῖεν. (3. 298-301)  
Zeus, most glorious, most great, and ye other immortal gods, which  
host soever of the twain shall be first to work harm in defiance of the  
oaths, may their brains be thus poured forth upon the ground even as  
this wine, theirs and their children's; and may their wives be made  
slaves to others.

The oath clearly demonstrates a generational, or a collective punishment for the oath-breakers. As is clearly expressed in the oath, the whole household of the oath-swearer is deemed to be a unity that shares the responsibilities of keeping the

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<sup>3</sup> Gagné 2010,363.

oath, but on the other hand, the household members are also collectively responsible for any action of perjury. Richard Janko formulates a definition for the term “oath” in his commentary to Iliad that “to take an oath is in effect to invoke powers greater than oneself to uphold the truth of a declaration, by putting a curse upon oneself if it is false”<sup>4</sup>. He also formulates three features of a typical Greek oath, which apply for most of the oaths both in archaic and classical Greece. First of all, the swearer makes a declaration, the statement of which could be either about present or past, which makes an oath *assertory*, or about future, which makes an oath *promissory*. In the second place, the swearer appeals to a superhuman power or powers as witnesses and guarantors of its truth. Thirdly, the swearer calls down a conditional curse upon himself or herself, which is what we see from the great oath sworn between the Achaeans and the Trojans. And most importantly, as Janko points out, “an oath is a declaration whose credibility is fortified by a conditional self-curse”<sup>5</sup>. All three features apply well to the great oath we see in Iliad Book 3. And the curse of collective punishment is to enforce the credibility or act as a threat to the swearers. And if we refer to the self-curse in the oath sworn here to Hesiod’s *Works and Days* 282-285, we may infer that the elimination of family related with oath-making might be a common understanding.

But whoever wilfully swears a false oath, telling a lie in his  
testimony, he himself is incurably hurt at the same time as he harms  
Justice, and in after times his family is left more obscure, whereas the

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<sup>4</sup> Janko 1992, 194, on Iliad 14.271–9.

<sup>5</sup> Janko 1992, 194, on Iliad 14.271–9. Also see Martin West’s definition of taking oath as a conditional self-curse: “an oath is by origin a curse which a man lays upon himself, to take effect if what he declares is false. The god Horkos is the personification of this curse; that is why he is attended by the Erinyes...” M.L. West 1966, ad Hes. Thg. 231.



family of the man who keeps his oath is better in after times. (WD, 282-85)

K. Konstantinidou makes the claim that the utter ruin (*exōleia*, Kovacs 1994, 289 root-and-branch destruction with loss of all progeny) of those swearing falsely, not limited to archaic times—which denotes not only their own death, but can extend to the destruction of their offspring and, sometimes, even household – is the main manifestation of the explicit form of divine punishment, especially in formal oath-taking in all periods.<sup>6</sup> As a matter of fact, several examples from some of the speeches made by the Greek orators, could be found in the so-called dicastic oaths, a kind of oath taken by the judges, and these examples will show that the self-curse of utter ruin appears not only in fictional literature but have parallels in legal practice. Andocides, for example, when addressing the jurors, mentioned that the judges have sworn to make fair judgments, and if they failed, “great curse” would fall on “you and your descendants” (τὰς μεγίστας ἀρὰς ὑμῖν τε αὐτοῖς καὶ παισὶ τοῖς ὑμετέροις αὐτῶν, 1.31). Also, In the decree of Demophantus (Andoc. 1.96-98), which was passed in 410 “on the restoration of democracy after the rule of the Four Hundred and then of the Five Thousand”, it reads:

All Athenians shall swear this over full-grown sacrifices, the customary oath, before the Dionysia, and [the swearer] is to pray that if he keeps his oath he may have many blessings, but that if he breaks it he may be utterly destroyed, himself and his descendants (ἐπεύχεσθαι εὐορκοῦντι μὲν εἶναι πολλὰ καὶ ἀγαθὰ, ἐπιορκοῦντι δ’ ἐξώλη αὐτὸν εἶναι καὶ γένος. Andoc. 1.98)<sup>7</sup>

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<sup>6</sup> Oath and Swearing in Ancient Greece, 11.

<sup>7</sup> Cf. A.H. Sommerstein, A.J. Bayliss: Beiträge zur Altertumskunde : Oath and State in Ancient Greece, Berlin, 2013, pp. 69-80. See “the judicial sphere”, especially “dicastic oath” by A.H. Sommerstein. And more examples with the word ἐξώλεια: Antiph. 5.11: “τοῦτο δὲ δέον σε διομόσασθαι ὄρκον τὸν μέγιστον καὶ ἰσχυρότατον, ἐξώλειαν σαυτῷ καὶ γένει καὶ οἰκίᾳ τῇ σῇ ἐπαρώμενον”; Lys. 12 10: “ἐπειδὴ δὲ ὄμοσεν, ἐξώλειαν ἑαυτῷ καὶ τοῖς παισὶν ἐπαρώμενος, ”; Dem. 21.119: “ὄμνηε μὲν κατ’

The best example of a dicastic oath with relevance to utter ruin is from Demosthenes 24.151, which ends “swearing by Zeus, Poseidon, and Demeter, and shall invoke destruction upon himself and his household if he in any way transgresses this oath, and shall pray that his prosperity may depend upon his loyal observance thereof.” (ἐπομύναι Δία, Ποσειδῶ, Δήμητρα, καὶ ἐπαρᾶσθαι ἐξώλειαν ἑαυτῷ καὶ οἰκίᾳ τῇ ἑαυτοῦ, εἴ τι τούτων παραβαίνοι, εὐορκοῦντι δὲ πολλὰ κάγαθὰ εἶναι.)” And textual evidences reveal that that the word ἐξώλεια only appears in oath, normally accompanied by words such as εὐορκέω (swear truly), ἐπόμνυμι (swear after), ὄμνυμι (swear), ἐπαράομαι (imprecate curses on), etc.. In light of this, we are able to conclude that this form of oath sworn with the self-curse of the destruction of a household is known to people in Archaic and Classical Greece.<sup>8</sup> And its existence, as a consistent tradition, on the other hand, proves its continuous power and threat among people. And to the present day, we can still see its existence of this sort of verbal curse in some cultures.<sup>9</sup>

As we have mentioned previously that Priam, the only person considered to be competent to swear the oath on the Trojan side, is summoned to swear the oath, and it is clear that only certain men can make such an oath. One major qualification is that

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ἐξωλείας μηδὲν εἰρηκέναι κατ’ αὐτοῦ φλαῦρον”, etc. On the widespread use of the generational oath *kata exōleian*, also see Glotz 1901, 752; Glotz 1904, 572-5; Parker 1983, 186, 201; West 1999.

<sup>8</sup> Also cf. Plato *Apology* 35c: οὐκουν χρῆ οὔτε ἡμᾶς ἐθίζειν ὑμᾶς ἐπιορκεῖν οὔθ’ ὑμᾶς ἐθίζεσθαι: οὐδέτεροι γὰρ ἂν ἡμῶν εὐσεβοῖεν. The function of the curse is to ensure the piety of people, for Plato.

<sup>9</sup> In China, for example. It is noticeable that inherited responsibility in any form, whether in oath, in myth, or in tragedy, almost occurs only in fictional literature in Greece, and it is rarely put into any practice that can be identified in historical writings due to the lack of legal materials. In *Laws*, Plato, for example, is opposed to inherited guilt for the worse crimes when he defends the children whose father is executed for impiety. In Leg. 855a (also cf. 909c-d, 856c-d), an example given by Robert Parker, Plato argues that “if they (children) grow up different from their father, they should be given due credit for their noble achievement in transforming evil into good.”

the man swearing has to possess a household (wives, sons etc.), under most circumstances, and needless to say, he has to be an adult man, normally married. Let us take a retrospect from the arrival of Priam and the ritual performed after his arrival. As for the great oath between the Achaeans and the Trojans and its relation to the utter ruin curse, scholars seem to have omitted one important aspect, which is the ritual and its symbolic meaning. As a matter of fact, the ritual performed before the oath is as important as the oath itself, and moreover, the symbolic meaning of the ritual prepares and anticipates the mentality of curses.

ἀλλ' ὅτε δὴ ῥ' ἴκοντο μετὰ Τρῳᾶς καὶ Ἀχαιοῦς,  
ἐξ ἵππων ἀποβάντες ἐπὶ χθόνα πουλυβότειραν  
ἔς μέσσον Τρώων καὶ Ἀχαιῶν ἐστιχόωντο.  
ὄρνυτο δ' αὐτίκ' ἔπειτα ἄναξ ἀνδρῶν Ἀγαμέμνων,  
ἄν δ' Ὀδυσσεὺς πολύμητις: ἀτὰρ κήρυκες ἀγαοὶ  
ὄρκια πιστὰ θεῶν σύναγον, κρητῆρι δὲ οἶνον  
μίσγον, ἀτὰρ βασιλεῦσιν ὕδωρ ἐπὶ χεῖρας ἔχευαν.  
Ἄτρεΐδης δὲ ἐρυσσάμενος χεῖρεςσι μάχαιραν,  
ἧ οἱ πὰρ ξίφεος μέγα κουλέον αἰὲν ἄωρτο,  
ἀρνῶν ἐκ κεφαλέων τάμνε τρίχας: αὐτὰρ ἔπειτα  
κήρυκες Τρώων καὶ Ἀχαιῶν νεῖμαν ἀρίστοις.

τοῖσιν δ' Ἄτρεΐδης μεγάλ' εὔχετο χεῖρας ἀνασχών.

But when they were now come to the Trojans and Achaeans, they stepped forth from the chariot upon the bounteous earth, and went into the midst of the Trojans and Achaeans. Straightway then rose up Agamemnon, king of men, and Odysseus of many wiles, and the lordly heralds brought together the offerings for the holy oaths of the gods, and mixed the wine in the bowl, and poured water over the hands of the kings. And the son of Atreus drew forth with his hand the knife that ever hung beside the great sheath of his sword, and cut hair from off the heads of the lambs; and the heralds portioned it out to the chieftans of the Trojans and Achaeans. (3.264-275)

In the first place, I want to remind readers of frequently appearing phrases “Trojans and Achaeans”. Priam first come μετὰ Τρῳάσ καὶ Ἀχαιούς, then he stood ἐς μέσσον Τρώων, lastly the heralds of Τρώων καὶ Ἀχαιῶν portioned the hairs among them. These phrases emphasize the presence of both sides, the sides who are about to swear the great oath. Gagné offers us an example of the ritual of the famous Thera oath of foundation found in Cyrene.<sup>10</sup> This oath, which was identified by C. A. Faraone as a reflection of original seven-century materials<sup>11</sup>, was inscribed on a marble stele, and it reads as follows:

On these conditions they made an oath, those who stayed here and those who sailed on the colonial expedition, and they cast imprecations on those who should transgress these conditions and not abide by them, whether those living in Libya or those staying in Thera. They molded wax images (*kolossos*) and burned them with the following imprecations, all of them having come together, men and women, boys and girls: "May he, who does not abide by this oath but transgresses it, melt away and dissolve like the images, himself, his seed and his property. But for those who abide by these oaths, for those who sail to Lybia and those who remain in Thera, may there be abundance and prosper ity for themselves and for their offspring.<sup>12</sup>

This portrait of the ceremonial destruction of *kolossoi*, namely the molded wax images of human beings is thrown and melted in the fire as the entire assembled city calls on the gods to witness their terrible imprecations of generational *exoleia*. Gagné infers that in the ritual of the swearing the oath, “every *oikos* had to bring a *kolossos* to the ceremony, mirroring the involvement of each individual household in

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<sup>10</sup> Gagné 2010, 358-359. See Meiggs & Lewis 1988, 5; Faraone 1993; Calame 1996 for bibliography.

<sup>11</sup> Faraone, 1993. And also refer to Faraone 2005, 142: “two other shared features of these Near Eastern curses are: (i) their all-encompassing effect (the men of the subservient city or army swear to them, but often their wives and children are embraced by the conditions of the curse) and (ii) the very theatrical rituals of a sympathetically or persuasively analogical nature that accompany them—such as the melting of wax figurines or the mutilation of animals.” These features apply well to the great oath between the Achaeans and the Trojans in Iliad 3.

<sup>12</sup> Faraone, 2005, 139-140; Gagné 2010, 259.

the statement of the oath”.<sup>13</sup> Similarly, or in the sense that we see a parallel in Iliad, the action of distributing the lamb hair symbolizes the involvement and agreement of each side, represented by the kings of different cities. This ritual emphasizes each one’s knowledge of the collective responsibility that one bears for this particular oath. In G.S. Kirk’s words, it is the action of receiving that joins the participants with the victim, with each other and (in the present case) with the oath in which they are jointly partaking.<sup>14</sup> This action has also been noted by Margo Kitts that “the touching and sharing of cut hair among the leaders in the oath may be interpreted as a bonding ritual among the parties swearing, with all parties committed not only to upholding the oath but also to helping to punish whoever should violate it. The collective responsibility implied by the distribution of the hairs seems straightforward enough.”<sup>15</sup>

Right after the ritual of distributing the lamb hair, Agamemnon calls upon Zeus, Helios, rivers and land, and the gods in the world below who punish those who swear falsely as witnesses for the oath. What is followed is the ritual that the term ὄρκια τάμνειν implies. ὄρκια τάμνειν literally means to sacrifice in attestation of an oath, and so to take solemn oath, as Karavites argues that this term “stood not for just any oaths or agreements, but for those solemnized by the ritual slaughter of animals.”<sup>16</sup> Following the oath, Agamemnon cut the throat of the lamb and laid them on the ground gasping. Then they drew wine from the bowl into the cups, and poured

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<sup>13</sup> Ibid.

<sup>14</sup> Kirk 1985, 304.

<sup>15</sup> Kitts 2005, 140.

<sup>16</sup> Karavites 1992, 64. Also cf. Faraone 1993, 76 for the reminiscence of the Phoenician expression *krt 'lt* “to cut oaths”, the Hebrew expression *krt bryt* “to cut an alliance” and the Latin *foedus ferire*.

it forth, and made prayer to the gods that are for ever. Strangely, the text does not indicate clearly who are the people that pour the wine on the ground, and in the next line (ὄδε δέ τις εἶπεσκεν Ἀχαιῶν τε Τρώων τε, 297), “someone” of the Achaeans and the Trojans is used as the subject for the action of swearing the curse.<sup>17</sup> Again, the frequent appearance of the genitive phrase Ἀχαιῶν τε Τρώων τε strengthens the participation of both sides in the oath, and their awareness of the agreement on the horrible curse that the punishment would not only fall on their only heads, but also on the heads of their families, both wives and children.

These rituals performed here are what can be described as “sympathetic magic”. “The curses, the cutting of the sacrificial animal into pieces, and the spilling of the wine all symbolize what will happen to anyone who breaks the oath.”<sup>18</sup> The symbolism is textually evidenced in the line by ὡς ὄδε:

σφ’ ἐγκέφαλος χαμάδις ῥέοι ὡς ὄδε οἶνος  
αὐτῶν καὶ τεκέων (300-301)

The visual effect of pouring the wine on the grounds alerts everybody present and involved of the terrifying consequence of swearing falsely. “In swearing by an object, the object has the force of a bond, since once it has become part of the action it can confirm and confine the oath taker by its function.”<sup>19</sup> We may define curse a rhetorical device striking fear into the hearts of the participants, which has been noted by many scholars.<sup>20</sup> Although it is still common sense from our modern perspective

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<sup>17</sup> This line appears again in 3. 319.

<sup>18</sup> Oath and State in Ancient Greece, “Rituals”, 151.

<sup>19</sup> Callaway 1993, 18. Also Benveniste 1948, 85 and Burkert 1985, 251.

<sup>20</sup> Faraone 1993, 2002; Berti 2006; Kitts 2005, 114–87. Some scholars claim, such as Gagné, that the oath breaking foretells the fall of Troy. I don’t quite agree with this though. For me, the curse in the

that loss of children is an unbearable pain (collective punishment, however, is considered as primitive now), the curse of collective punishment reflects the basic structure of a Homeric household, which is a family group residing on a landed estate and including father, mother, unmarried children, sons with wives, and grandparents.<sup>21</sup> The horrifying curse on the whole household also mirrors what Finley calls “the supremacy of the *oikos* over all other groups and ties”, which he deems as the crucial feature of the early Greek community.<sup>22</sup> Additionally, the whole theme of the *Odyssey* of son searching for a wandering father, of a prudent wife (as a matter of fact, it is the whole household) waiting for a husband, a husband returning and killing the transgressors reflects the basic structure of a patriarchal society, in which everything revolves around the paternal power. This paternal power, on the other hand, empowers the man in the house to swear with the lives of his wife and children. And this is also the reason why the revenge of Orestes permeates the whole *Odyssey* as a contrast or a reminder to Telemachos of fulfilling the obligation as a son. Also, this idea of paternal power is also supported through the lens of historical linguistics. Emile Benveniste offers us a survey of the use of the Indo-European stem \*pāter to demonstrate the importance of paternity. In the end, he concludes that “What is surprising is that, despite so many vicissitudes and after the passage of so many centuries of independent life, the Indo-European languages have preserved a vocabulary of kinship which, by itself alone, would suffice to demonstrate their

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oath itself just stands as a rhetorical expression, rather than a poetic device that triggers the whole literary theme of the conquering of Troy.

<sup>21</sup> For a detailed discussion of Homeric household and the ties among family members through kinship, see de Jong 1999, 42-43; Finley 1981, 243-244; Patterson 1998, 46-56.

<sup>22</sup> Finley, *Ibid.*

genetic unity and which has retained to our own days the mark of its origins.”<sup>23</sup> The main point made here is that a city or a family is to be viewed as a single living being more sacred than any individual human life.

Oaths carry with them a spoken or unspoken curse on the person falsely swearing. Calling upon the gods as witness gives them a dual role: they witness the oath-taking and also act as protectors of the oath, and even punishers of the transgressor. In the *Iliad* 4 Agamemnon calls upon Zeus (*Zeus Horkios*) to punish false oath-takers<sup>24</sup> and their wives and children (155-168) after Pandarus harms Menelaus.

## 2. Hesiod

To begin with, we need to equip ourselves with the pre-Solonian history of the notion of inherited responsibility for comparative purposes. John Lewis notices a break from Hesiodic world-view in Solon’s poems and he calls this shift a cultural revolution.<sup>25</sup> He argues that in Hesiodic epics, the fate of mortals, especially that of the peasants in *Works and Days*, is mostly subject to divine will. As Hesiod puts in the opening lines of *Works and Days* of Zeus’s complete control over human life:

ὄν τε διὰ βροτοὶ ἄνδρες ὁμῶς ἄφατοὶ τε φατοὶ τε  
ῥητοὶ τ’ ἄρρητοὶ τε Διὸς μέγαλοιο ἔκητι.

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<sup>23</sup> Benveniste 1973, 211.

<sup>24</sup> Also note Callaway (18) points out the etymological connection between “orkos” and “erkos” enclosure proposed by Boisaq and others strengthens the idea of the force of an oath. The enclosure of an oath confines and bonds the participants in it. Burkert (251) brings forth that although not a formal Call to Witness, swearing by an object, deity, or cosmic power has the force of calling it to witness. In this sense, the pouring of wine on the ground denotes the consequences of perjury. Luther (1954, 86) likens this idea of enclosure to the oath-taker bringing a magic “erkos” down around himself or herself through a self-curse. In this context, it is likely that the closure may refer to the whole household.

<sup>25</sup> Lewis 2006, 12.



ρέα μὲν γὰρ βριάει, ρέα δὲ βριάοντα χαλέπτει,  
ρέϊα δ' ἀρίζηλον μινύθει καὶ ἄδηλον ἀέξει,  
ρέϊα δέ τ' ἰθύνει σκολιὸν καὶ ἀγήνορα κάρφει  
Ζεὺς ὑπιβρεμέτης ὃς ὑπέρτατα δώματα ναίει. (Works and Days,  
3-8)

For easily he strengthens, and easily he crushes the strong,  
easily he diminishes the conspicuous and increases the inconspicuous,  
and easily he straightens the crooked and withers the  
proud—high-thundering Zeus, who dwells in the loftiest mansions.<sup>26</sup>

How does inherited responsibility correspond to this opening of this didactic epic? Renaud Gagné thinks that “in the Myth of Races, one *genos* succeeds another through the consequences of their actions. They are defined as ‘Races’, by their common relation to justice. A binding solidarity unites them in the face of punishment”.<sup>27</sup> However, races in the myth are destroyed, not because of some ancestral faults of the former races, but by Zeus’ rage. We may be able to say that there is slight trace of collective responsibility within the period of some of the races (not for Bronze Age obviously, since they destroyed them with their own hands). But a close reading of the section (106-201) will show that there is no necessary heredity among the five races as Gagné believes to exist.

According to Hesiod, the Golden race, living at the time of Cronus, was ‘free from care, entirely apart from toil and distress (WD, 112-113). It is rather odd to notice that we are not able to any information at all for the burial (κάλυψεν, 121) of the the Golden race in these line. Then the random tone about the creating activity of Zeus and the Olympian gods is continued that the Golden race is made by the ‘great plan of Zeus’ (WD, 122) the guarding spirits of ‘the mortal men’, ‘watching over

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<sup>26</sup> For the Greek and English translation, I am using Glenn W. Most’s version.

<sup>27</sup> Cf. Gagné 2013, 161.

judgments and cruel deeds (φυλάσσουσίν τε δίκας καὶ σθένια ἔργα/ἤερα ἐσσάμενοι. WD, 124-125). Hesiod does not tell us anything about what “the great plan” is. The Silver race could not ‘hold restraint to themselves from the ‘wicked outrage’ (ὕβριν ἀτάσθαλον. WD, 134) against each other and they showed no honor and respect to the Gods, on account of which Zeus ‘concealed’ (κάλυψεν, WD, 140) them under the earth. It is not clear, even abrupt to use the phraseology “ τοῦτο γένος κατὰ γαῖα κάλυψεν (121, 140, 156)” three times within no more than 40 lines. The fourth race is the heroes.<sup>28</sup> For the fourth generation of human beings, Iron age race, Zeus will destroy this race when ‘at their birth the hair on their temples will be quite gray’ (WD, 180-1) because of the disruption of the relationships among fathers and sons, hosts and guests, comrades, brothers. For Hesiod, the disruption of the basic human relationships is a sign of the breakdown of cosmological order, *dikē*, controlled in the hands of Zeus, and the evil (*to kakon*) is left without no safeguard (κακοῦ δ’ οὐκ ἔσσειται ἀλκή. WD, 201) and baleful pain is left for human beings. Hesiod shuns, deliberately or not, the theological challenge why Zeus did not punish the rampant evil of the Iron Age immediately as he did to the Silver race. Although the problem of delayed justice is still obscure and remains unanswered, Hesiod does stress that the people commit those evil deeds ‘without knowing the vengeance of the Gods’ ( οὐδὲ θεῶν ὄπιν εἰδότες. WD, 187). And the “vengeance” is most likely meant to denote the burial of this race. One thing that adds difficulty to the reading of the fifth race is that there is not a single sign of degeneration that could be tracked down in this section. We

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<sup>28</sup> Cf. Lloyd-Jones 1971, 34. Lloyd-Jones thinks that “it has often been observed that among the five races the heroes are the odd race out, and the obvious explanation of this is that the heroes were too firmly established in ordinary belief to be omitted, so that Hesiod had to spoil the symmetry in order to include them”.

may relate the toil and distress (176-7) to the miseries (*kalepos ponos*, WD, 91) of human kind that “Zeus concealed the means of life (*biou anthropou*) because of his anger at heart ( *χολωσάμενος φρεσίν*) towards crooked-counseled Prometheus”. And moreover, “the gods will give them grievous cares” (WD, 178). The whole presentation of the myth shows us the mixture of divine intentions and human responsibilities, which is very hard to be separated from another. And the question of inherited responsibility is also intertwined in the obscurity within the theological expressions of Hesiod.

On the other hand, some evidence of the disastrous consequences of a person’s bad actions on the whole city or on the whole household appears from time to time. It is emphasized that a man’s fault could result in the destruction of the whole city or the whole household. It is true that in this context the descendants do not directly takes over blames or punishments, but given that they are depicted as innocent, the destruction itself should serve to justify the idea of inherited responsibility in Hesiodic epics in a broader context. Only considered sufficient is the destruction of the innocent offspring to cleanse the faults committed. Throughout the whole work of *Works and Days*, three sections in *Works and Days* are relevant to our current discussion of inherited responsibility in a Hesiodic context. In one case, a whole city suffers because of an evil man who sins and devises wicked deeds. Upon them, Cronus’ son brings forth woe from the sky, famine together with pestilence, and the people die away; the women do not give birth, and the households are diminished (*μινύθουσι δὲ οἴκοι*) by the plans of Olympian Zeus (*Works and Days*, 240-245) . And also he whoever willfully swears a false oath, telling a lie in his testimony, he himself is incurably hurt at the same time as he harms Justice, and in after times his

family is left more obscure (ἀμαυροτέρα γενεὴ μετόπισθε λέλειπται); whereas the family of the man who keeps his oath is better in after times (WD, 282-5). Lastly, if someone grabs great wealth with his hands by violence, or plunders it by means of his tongue, as often happens when profit deceives the mind of human beings and shamelessness drives shame away, then the gods easily make him obscure, and they diminish that man's household (μινύθουσι δὲ οἶκον).

It is also not hard to notice the persuading tones of these sections. If someone follows the path of evil, such as devising something evil, swearing a false oath, gaining wealth by hubristic actions, Zeus' retribution snatches him and even shatters his entire household. Quite different from Solon's rational interpretation of the delay of Zeus's justice, Hesiodic Zeus is . And his revenge even extends to the innocent, which is a sign of his absolute power and authority.

Hugh Lloyd-Jones reminds us to pay attention to the author's 'special view point and the purpose of his work' while studying their theology<sup>29</sup>. According to the epics, Hesiod is defeated in a lawsuit by his brother Perses, and Hesiod believes that Perses has bribed the *basileus* to win. He is angered by the *basileus*' failure to carry out their duties and his brother's trickery in winning the lawsuit. And Lewis notices what influence the natural environment has on Hesiod: 'on the whole Hesiod's linking of natural events of human actions, especially his conflation of weather and just action, go hand in hand with his reliance on a vertical divine power....by controlling the weather, Zeus controls the means of life for a peasant farmer.'<sup>30</sup> Hesiod's world-view greatly

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<sup>30</sup> Lewis, p.14

shapes his view of justice. On the one hand, he tries to warn his brother of the potential dangers that the whole family may be wiped out, if he does not earn his living by working honestly and hard. Anthony Edwards sees that *Works and Days* “is a didactic poem and offers instruction”, and its real purpose is not a lesson of farming skill, but to “exhort him to lead a moral life by glorifying labor and its benefits.”<sup>31</sup> Hesiod’s Zeus is capricious as is the weather in Ascrea. His anger is unpredictable, and once he is outraged, he will exact his revenge on the people who should not be responsible for those unjust deeds.

Stephanie Nelson stresses that ‘the justice of Zeus, for Hesiod, means that Zeus does not allow men to transgress the bounds of *dikē*. Zeus punishes the guilty. It does not mean, however, what it might suggest to a Christian, that Zeus either rewards the just, or spares the innocent.’<sup>32</sup> As a matter of fact, as we have seen from the quotes above, it is only partially true. Gods do reward those who are just in actions (WD, 385). Gods can destroy and gods can also reward. In this sense, Zeus, in the eyes of Hesiod, is not indifferent to the unjust deeds on earth, but he exerts his power for the sake of justice in a capricious manner. The delayed punishment is a sure sign, for Hesiod, of Zeus’ power and the justice which depend on the power. As Nelson says, “Hesiod’s Zeus is just, but his power is not dependent upon his justice. Rather, it is the justice that is dependent upon the invincible power of Zeus”.<sup>33</sup> In this sense, the utter destruction of households are only signs of Zeus’ absolute power, and the victimization of the descendants is totally subject to the wrath of mighty Zeus.

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<sup>31</sup> Edwards 2004. 180.

<sup>32</sup> Nelson 1997, 246.

<sup>33</sup> Nelson 1997, 247.

## CHAPTER TWO

### Justice and Punishment: Solon's Fragments

There has been some considerable attention and interest among scholars regarding inherited responsibility, or inherited guilt, as a popular notion in archaic and classical Greek literature.<sup>34</sup> What I try to do in my dissertation is to contextualize this notion in the writings of different authors (or the writings attributed to them). And I will examine, among many other things, the notion of inherited responsibility in a much broader sphere of intellectual history. While doing this, I wish to reveal how this notion may reflect some unseen sides of the perception of these authors of the world. I also wish to see how the research of this topic may weaken some existing opinions and deepens our understanding of certain topics.

The question of justice and its relation to delayed punishment is a key concept in Solon's poem and there are several explicit sections that address this question directly. There are several questions about Solon's inherited responsibility I attempt to answer. How does inherited responsibility fit into Solon's poetic and political discourse? Is he theoretically consistent with regard to his political ideas and the problem of inherited responsibility? How does an examination of the idea of

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<sup>34</sup> Cf. E. R. Dodds 1951, 33; Renaud Gagné 2013; N. J. Sewell-Rutter 2007. Also cf. Gustav Glotz *La solidarité de la famille dans le droit criminel en Grèce*, (1973, Arno Press), 168, 191, 211, 443, 557-575, 576-578. Scholars use different terms for this phenomenon. Dodds and Sewell-Rutter use the term "inherited guilt", and Gagné uses the term "ancestral fault". The first term carries too strong a Judeo-Christian connotation, while the second one does not quite express the central focus of the question. I choose to use the word "inherited responsibility" to denote the hereditary responsibility (also used by Glotz: "responsabilité collective" and "responsabilité héréditaire").

inherited responsibility in Solonian fragments contribute to our understanding of his thoughts? These are the questions I attempt to explore in this chapter.

There are two sections (quoted below), in fragment 4 and 13 respectively, which directly present the view that the unjust rich will finally be penalized through descent, if the possessors of the unjust wealth are not punished immediately.<sup>35</sup>

αὐτοὶ δὲ φθείρειν μεγάλην πόλιν ἀφραδίησιν  
ἀστοὶ βούλονται χρήμασι πειθόμενοι,  
δήμου θ' ἡγεμόνων ἄδικος νόος, οἷσιν ἐτοιμον  
ὑβριος ἐκ μεγάλης ἄλγεα πολλὰ παθεῖν·  
οὐ γὰρ ἐπίστανται κατέχειν κόρον οὐδὲ  
παρούσας  
εὐφροσύνας κοσμεῖν δαιτὸς ἐν ἡσυχίῃ  
.....  
πλουτέουσιν δ' ἀδίκους ἔργμασι πειθόμενοι  
.....  
οὐθ' ἱερῶν κτεάνων οὔτε τι δημοσίων  
φειδόμενοι κλέπτουσιν ἀφαρπαγῇ ἄλλοθεν  
ἄλλος,  
οὐδὲ φυλάσσονται σεμνὰ Δίκης θέμεθλα,  
ἢ σιγῶσα σύνοιδε τὰ γιγνόμενα πρό τ' ἐόντα,  
τῷ δὲ χρόνῳ πάντως ἦλθ' ἀποτεισομένη.<sup>36</sup> (4. 5-16)

But it is the citizens themselves who by their acts of foolishness and subservience to money are willing to destroy a great city, and the mind of the people's leaders is unjust; they are certain to suffer much pain as a result of their great arrogance. For they do not know how to restrain excess or to conduct in an orderly and peaceful manner the

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<sup>35</sup> I will not specifically deal with the question of authorship of Solon's fragments put forward in André Lardinois article "*Have We Solon's Verses*" in J. H. Blok and A. Lardinois, eds., *Solon of Athens: New Historical and Philological Approaches*, Leiden: Brill, 2006, pp. 15-35.

<sup>36</sup> I am citing D. E. Gerber's Greek and English translation, unless noted otherwise.

festivities of the banquet that are at hand . . . they grow wealthy, yielding to unjust deeds . . . sparing neither sacred nor private property, they steal with rapaciousness, one from one source, one from another, and they have no regard for the august foundations of Justice, who bears silent witness to the present and the past and who in time assuredly comes to exact retribution.

χρήματα δ' ἰμείρω μὲν ἔχειν, ἀδίκως δὲ πεπᾶσθαι  
οὐκ ἐθέλω· πάντως ὕστερον ἦλθε δίκη.  
πλοῦτον δ' ὄν μὲν δῶσι θεοί, παραγίγνεται ἀνδρὶ  
ἔμπεδος ἐκ νεάτου πυθμένος ἐς κορυφήν·  
ὄν δ' ἄνδρες τιμῶσιν ὑφ' ὕβριος, οὐ κατὰ κόσμον  
ἔρχεται, ἀλλ' ἀδίκους ἔργμασι πειθόμενος  
οὐκ ἐθέλων ἔπεται, ταχέως δ' ἀναμίσγεται ἄτη· (13. 7-13)

I long to have money, but I am unwilling to possess it unjustly, for retribution assuredly comes afterwards. Wealth which the gods give remains with a man, secure from the lowest foundation to the top, whereas wealth which men honour with violence comes in disorder, an unwilling attendant persuaded by unjust actions, and it is quickly mixed with ruin.

Several things require reader's attention for these lines. First of all, the gnomic aorist ἦλθε indicates Solon's confidence in the final retaliation of *dikē*<sup>37</sup>, and πάντως in both of these two sections adds certainty of the realization of justice. A series of questions also arises with a close reading of the text. what does Solon mean by *dikē* that operates the generational punishment? What is the revenge? Is the revenge conducted by divinity or by humans? Solonian *dikē* seems to both denote

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<sup>37</sup> Noussia-Fantussi compares the use of *dikē* in Homer and in Hesiod. In *Iliad*, “the word *dikē* appears seven times with the meaning ‘settlement’, namely ruling, legal process which may be proposed and made between two parties in dispute, as opposed to violent or illegal action”. “Homeric society, being primarily composed of warriors, could not rely upon *dikē* (peaceful litigation of disputes) without force or violence”. She thinks that this is the new meaning that Hesiod emphasizes in *Works and Days*. In other words, it is the power of Zeus that makes *dikē* possible. The personification of *dikē* as the daughter of Zeus and Themis, sister of Eirene and Eunomia further stresses that *dikē* is subordinate to and dependent on her father's power. And she argues that it is not until in *Theognis* that *dikē* has the meaning of “justice or retribution”.



some pre-existing and overarching principle that governs the universe, and correspondingly an underlying principle for the city. Werner Jaeger observes the distinction of *dikē* used in Hesiodic epics and in Solon's fragments. For the former, Jaeger takes Hesiodic *dikē* as a "the concrete judicial verdict of human justice from which the poetic and religious imagination easily moves on to the idea of beneficent, benevolent power, awe-inspiring and divine".<sup>38</sup> Solon, Jaeger believes, shakes off the non-abstract nature of the archaic thought, which is constituted by the use of personifications. *Dikē* for Solon, "is entirely independent of it and wins through where human jurisdiction fails...human power cannot reach up to her sphere of actions. She needs the arms of no earthly judge to carry out her decrees".<sup>39</sup> Almeida furthers the argument by arguing that Solon's *dikē* not only entails its divine nature, but also refers to political order with respect to the "our city" (4.1).<sup>40</sup>

Then what does *dikē* specifically mean away from a general understanding in the sections whose primary concern is delayed punishment? In this context, I tend to think that its primary meaning is balance, understood as a natural order sanctioned by the divine power. A close reading of these two sections will show a consistent connect throughout the extant poems with the concern of delayed punishment, i.e., on people unjust acquisition of wealth due to their lack of knowledge (*epistantai*) to restrain *koros*. It is also noteworthy that both sections employ a contrastive parallelism of *kosmos* and *hubris*, expressing the cause of their

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<sup>38</sup> Jaeger 1966, 90.

<sup>39</sup> Jaeger, 1966, 90.

<sup>40</sup> Almeida, 2001, 78.

final revenge. James J. Helm notices a shift of the meaning of *koros* with contrast to the Homeric framework in which *koros* basically means “having enough”. In Solonian fragments, he argues, the connotation of the word *koros* switches from objective perspective (satisfaction of need, as in Homeric epics) to subjective perspective (satisfaction of desire, as in Solon).<sup>41</sup> Solonian fragments perceive that human beings strive for what is enough for them, what is proper or duly for them. In this sense, there seems to be a limit for wealth that one should possess. And the wealth one has should match his intelligence. For,

τίκτει γὰρ κόρος ὕβριν, ὅταν πολὺς ὄλβος  
ἔπηται  
ἀνθρώποις ὁ ὅσοις μὴ νόος ἄρτιος ἦ. (6.3-4)

For excess breeds insolence, whenever great prosperity comes  
to men who are not sound of mind.

In other words, the wealth one possesses should be in balance with one’s mind, one’s cognitive ability. Moreover, the idea of *kosmos*<sup>42</sup> and *hubris* both signifies that *dikē* refers to some natural order which is and should be the order of the human world. *Koros* and *hubris*, contrary to the natural law of justice, are perceived by Solon to be the disrupting elements that break social balance and cause social strife. Interestingly, Solon does not address the political solutions in these two sections that he plans to take up, which is quite curious in the consideration of his role as a mediator and a lawgiver. In fragment 5, he claims that he “stood with a strong shield thrown before the both sides, and would have neither prevail unrighteously over the other. (5.5.-6)”, and in fragment 37, “I stood as a *horos* in the midway between the

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<sup>41</sup> Helm 1993, 8-10.

<sup>42</sup> Cf. Puhvel 1976 for a historical and etymological interpretation of *cosmos*.

two hosts of them”. Instead of incorporating his political accomplishments in the “cosmos of words”, Solon appeals to the economic and political results of the violation of *dikē* as a severe warning to potential crimes.<sup>43</sup>

ἀλλ' ὁ μὲν αὐτίκ' ἔτεισεν, ὁ δ' ὕστερον· οἱ δὲ  
Φύγῳσιν αὐτοί, μηδὲ θεῶν μοῖρ' ἐπιούσα κίχῃ,  
ἤλυθε πάντως αὖτις· ἀνάιτιοι ἔργα τίνουσιν  
ἢ παῖδες τούτων ἢ γένος ἐξοπίσω. (13. 29-32)

But one man pays the penalty at once, another later, and if they themselves escape the penalty and the pursuing destiny of the gods does not overtake them, it assuredly comes at another time; the innocent pay the penalty, either their children or a later progeny.

## 2. Metaphor, Causality and Justice

Solon does not explicitly explain what *dikē* and Zeus's *tisis* (4.16, 13. 25, 13.31) and *ate*<sup>44</sup> (13.13, 13.68, 13.75) are. An analysis of the obscure metaphors in fragment 14, however, would offer us some hints of the content of punishment. In line 9-10, we read that “the wealth Gods give, comes along to a man safe from bottom to

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<sup>43</sup> Cf. Gagarin 1974, 187.

<sup>44</sup> Dodds claims that *ate* in Homeric epics signifies mainly a stage of intellectual error which leads to a mistaken act or decision, considered irrational by society or by the *ate*-stricken person himself when he recovers from his delusion, and that the view that *ate* represents punishment is post-Homeric. Cf Dodds, 1951, 99-112. Miszellen claims that “to be stricken by *ate* does not necessarily mean that one will meet with irreversible doom (in Hesiod), and in no case is there any indication that *ate* in Hesiod suggests penalty. It is therefore reasonable to conclude that the concept of *ate* did not change from Homer to Hesiod; it still indicates the stage of irrationality, which is potentially but not necessarily the cause of one's downfall. The conception of *ate* as an objective disaster, the last stage of one's deteriorating conduct, must be, therefore, not only post-Homeric, but post-Hesiodic as well”. Cf. Roisman 1983, 495-496. In Solon, however, it is clear that the word *ate* denotes an irrevocable punishment, which many imply the destruction of a whole family.

top”<sup>45</sup>. Scholars have long been confused by the phraseology “safe from bottom to top”<sup>46</sup>. Noussia Fantuzzi summarizes different opinions in concluding that “the image presupposed in 10 may be that of a heap of wheat, a storage jar, a mountain, or a tree”. If we carry on our reading, the metaphor followed is fire. “Ate has a small beginning, like that of fire, insignificant at first but grievous in the end”<sup>47</sup>. The third metaphor is about the rage of Zeus, the operator of justice and revenge: “suddenly, just as the clouds are quickly scattered by a spring wind which stirs up the bottom of the swelling and undraining sea, ravages the lovely fields over the wheat-bearing land, reaches the gods’ high seat in heaven, and again brings a clear sky to view; the strong sun shines in beauty over the fertile land and no longer can even a single cloud be seen”<sup>48</sup>. It is not difficult to notice the similarity of the three metaphors (whatever the first one means), i.e., a vertical movement. The verticality, first of all, may mean the extent of the destruction. Not a single crime would be released by Zeus, which echoes later lines “but anyone who has a sinful heart never ever escapes his notice and in the end he is assuredly revealed. (14-27-28)”. Second of all, it may imply the extirpation of a whole *genos*. In this sense, the phraseology “from bottom to top” may, I suspect, denotes the family stock, which may indicate a generational security of the wealth

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<sup>45</sup> πλοῦτον δ’ ὄν μὲν δῶσι θεοί, παραγίγνεται ἀνδρὶ ἔμπεδος ἐκ νεάτου πυθμένος ἐς κορυφήν· (14. 9-10)

<sup>46</sup> Cf. Mülke 2002, 259; Henderson 2008; Gagné

<sup>47</sup> ἀρχὴν δ’ ἐξ ὀλίγου γίγνεται ὥστε πυρός, φλαύρη μὲν τὸ πρῶτον, ἀνηρῆ δὲ τελευτᾶ· (13.14-15)

<sup>48</sup> ἐξαπίνης δέῳστ’ ἄνεμος νεφέλας αἴψα διεσκέδασενήρινός, ὅς πόντου πολυκύμονος ἀτρυγέτιο πυθμένα κινήσας, γῆν κατά πυροφόρονδηώσας καλὰ ἔργα θεῶν ἔδος αἰπὺν ἰκάνειοῦρανόν, αἰθρίην δ’ αὐτίς ἔθηκεν ἰδεῖν· (14. 18-22)

obtained.<sup>49</sup> A textual evidence is the word *πυθμῆν*<sup>50</sup> whose basic meaning is basis or foundation is a very common word for tree in archaic Greek literature.<sup>51</sup> LSJ, actually, quotes this very line as a tree metaphor. A Similar example could be found in Aeschylus's *Libation Bearers* 260:

οὐτ' ἀρχικός σοι πᾶς ὄδ' ἀνανθείς πυθμῆν  
βωμοῖς ἀρήξει βουθύτοις ἐν ἡμασιν. (Aesch. Lib.260-261)  
nor, if this royal stock should wither utterly away, will it serve  
your altars on days when oxen are sacrificed.<sup>52</sup>

Another circumstantial evidence comes from the Croesus-logos when Solon tries to explain why he is not the happiest man in the world<sup>53</sup>:

πολλοῖσι γὰρ δὴ ὑποδέξας ὄλβον ὁ θεὸς προρρίζους ἀνέτρεψε.  
(Hdt. 1.32.9)  
To many people, the god, having promised fortune, overturned  
(them) by root.<sup>54</sup>

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<sup>49</sup> cf. Gowers 2011, 89. “The Romans adopted a Greek word, *stemma*, for the linked family portraits that they set up in their houses. However, they often spoke of “branches” growing from these *stemma* (Pers. 3.28: *stemma quod Tusco ramum millesime ducis*) and of families growing from “stock” (*stirps*), and they used botanical terms as metaphors for authenticity and usurpation.”

<sup>50</sup> Cf. Gagné 2000, 26. His interpretation for *πυθμῆν* is that this is both cup metaphor and sea metaphor, which is used with the same word in line 20 and relates this to behaviors in an banquet.

<sup>51</sup> Cf. LSJ, “stock, root of a tree, “*παρὰ πυθμῆν ἐλαίης*” Od.13.122,372, cf. **23.204** (it seems that this phrase is an formulaic expression of uprooting a tree); “*ἐν π. φηγοῦ*” Hes.Fr.134.8; *π. δρυός* Ion Trag.28; “*ὁ π. τῆς ρίζης*” Dsc. 4.104, cf. 3.126; *σεύτλου πυθμένες* beet-roots, BGU1118.17 (i B.C.); *ἀλικακκάβων π.* ib. 1120.37 (i B.C.); “*ἀμπέλου*” Str.2.1.14, cf. PPetr.1p.78 (iii B.C.); *ἐπὶ τοῦ αὐτοῦ π.* Thphr.HP2.2.9, cf. CP3.13.3: metaph., “*ἐκ νεάτου π. ἐς κορυφήν*” Sol.13.10.”

<sup>52</sup> A translation by Herbert Weir Smyth.

<sup>53</sup> Cf. Gagné 2009, 34. He thinks that the Solon is the man who gives advice to Croesus is a coincidence. Ancestral fault “draws on the traditional focalization of justice found throughout early Greek poetry, but makes creative formal and thematic use of it in its presentation of the patterns of justice in the poem”. This thought remains a major concern for later literature, especially tragedy. And it “was a concern that remained attached in the 5<sup>th</sup> century to the name of Solon”.

<sup>54</sup> My own translation.

The word πρόρριζος employed here means “by the roots, root and branch”, and its nouns and verbs related with this meaning are widely used to denote the ruin of a family.<sup>55</sup> This pictorial description of kinship, if it is what it means in this particular line, also implies some loaded complexity with respect to the question of inherited responsibility, which is one of the central themes of the first half of the poem 14. Like a tree, a family is born, flourishes and branches out, and withers. Family members are related biologically, like the tree trunk and branches, and they share each other’s responsibilities. More importantly, ancestor of a given lineage in the tree metaphor are normally ensconced in the roots or trunk of a tree, with his descendants scattered as branches. In this sense, an ancestral fault may be the cause of the destruction of an entire family.

As a matter of fact, Solon’s fragments are saturated with the idea of causality.<sup>56</sup> Werner Jaeger argues that in his well-known piece of work, *Solon’s Eunomia*, Solon on the one hand inherits the mythical tradition on one hand; is influenced by the newly rising Ionian philosophers, like Anaximander on the other hand.<sup>57</sup> Just as the rational thought discovers the principle of causality in nature,

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<sup>55</sup> Cf. Gowers 2011, 89. “For metaphorical ideas of planting and uprooting of families and races using *prorrizos*, *rizothen*, or *rizow*, cf. Pind. *Ol.* 2.46, *Pyth.* 9.8, *Hdt.* 1.32, 1.64, 3.40, 6.84, *Aesch. Pers.* 812, *Ag.* 966, *Soph. El.* 512, *Aj.* 1178, *Eur. Hipp.* 684, *It* 610, *And.* 1.146.”

<sup>56</sup> For causality in Solon, cf. Brecht 1959, 520. He points out that there is a transition concerning the history of the idea of causality. According to him, the Ancient Greeks thought originally that all laws of nature were norms set by the gods. He quotes Heraclitus that the sun will not overstep his prescribed course; otherwise the Erinyes, the handmaidens of Justice, will find him out. “Only after Leukippos and Democritus had replaced these older ideas with their atomistic theory did Greek thinkers cease to see natural laws merely as norms. The Greek word for ‘cause’, *aitia*, originally had the meaning of ‘guilt’; the change of its meaning from ‘guilt’ to ‘cause’ mirrors the change from thinking in terms of norms to those of causation.” Solonian *dikē* belongs to the latter.

<sup>57</sup> Cf. Sealey 1994, 133-155 for the idea of “to each his due” as the spirit of Greek Laws.

Solon reveals the principle of *dikē* in human world, which abides by the principle of causality.<sup>58</sup> Anhalt's idea that Muses' *mnemosyne* (13. 1) and *dikē*'s memory (4. 15) “as the knowledge of cause and effect is necessary to harmonious political organization, since this knowledge is essential to a sensible guide to conduct”.<sup>59</sup> In other words, there is a connection between a specific human action and its consequences. Therefore, the destruction (*ate*), which falls upon a person, must have some distant familial source. The causality in things, both natural and human, well justifies the order of the world, and the rationale of punishment well fits into the framework of Solonian justice while maintaining its consistency and validity. Humans have responsibilities for the crimes they commit and children of the criminals should also pay for the those faults, as Solon claims,

εἰ δὲ πεπόνθατε λυγρὰ δι' ὑμετέρεην κακότητα,  
 μὴ θεοῖσιν τούτων μοῖραν ἐπαμφέρετε· (11.1-2)  
 If you have suffered miseries through your own baseness,  
 Do not ascribe this fate to the gods.

### 3. Solonian Justice: Balance and Family Wealth

So far, we know that the weapon for *dikē* is punishment (*tisis*, *ate*), and revenge may strike the descendants of the criminals. Since Solonian generational punishment is heavily framed within his economic concern, it would be worthwhile to look into his view on the unjust acquisition in detail. And the question to be asked is how the notion of delayed punishment is related specifically to Solonian justice.

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<sup>58</sup> Jaeger 1966, 90.

<sup>59</sup> Anhalt 1993, 19 and 68.

In fragment 3, Solon employs the symposium metaphor rebuking the wantonness of the leaders of Athens. Allow me to quote the Greek once again: οὐ γὰρ ἐπίστανται κατέχειν κόρον οὐδὲ παρούσας εὐφροσύνας κοσμεῖν δαιτὸς ἐν ἡσυχίῃ (for they do not know how to check insatiability or to make order [*kosmos*] for the merriment that goes on in the serenity of the feast [*dais*]).<sup>60</sup> As the study of Gregory Nagy has shown, the symposium metaphor symbolizes “an orderly apportioning of meat at a feast that centers on a correctly executed sacrifice” in terms of justice and poets of elegiac poetry “associates the social order of the polis with the orderly apportioning of meat at feast”.<sup>61</sup> And the action of distributing meat in a banquet is well in accord with social justice. For Homer, fair distribution is a social norm.<sup>62</sup> For Solon, as I see it, the banquet metaphor, while keeping its traditional connotation of dividing food, evolves towards abstraction as a natural principle. And disruption and transgression (*hubris*) of this principle may lead to horrifying consequences that a city could be destroyed (4.5), the inescapable wound would come upon the city, i.e. civil war and strife, slavery of the city, the loss of the youth (4.18-20). The notion of equal distribution in a banquet and one’s prudence in consuming the meat is elevated to the level of political balance and harmony, which is the gist of Solonian justice. One line from Solon’s fragments may also buttress this transformation:

ἐξ ἀνέμων δὲ θάλασσα ταράσσεται· ἦν δέ τις  
αὐτὴν

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<sup>60</sup> Gregory Nagy’s translation and rendering. Cf. Nagy 1990, 271.

<sup>61</sup> Nagy 1990 272, 275.

<sup>62</sup> Cf. Said 1979, 9-49 for the suitor’s violation of norms in *Odyssey*.



μὴ κινῆ, πάντων ἐστὶ δικαιοσύνη<sup>63</sup>. (12)

The sea is stirred up by the wind. And if something does not move it, it is the calmest of all things.

The Greek word δικαιοσύνη is used here for the meaning of “calmest” to describe the sea when “its internal movements are in balance, and it is bereft of violence”<sup>64</sup>. Noussia-Fantuzzi compares Solon and his contemporary Anaximander on their natural philosophy with the conclusion that “most likely both were influenced by the idea that justice was full reciprocity”<sup>65</sup>. The natural status of the sea, for Solon, is its calmness rather than its capricious anger, as we have read in fragment 14. 22 that after the storms stir the ocean from the bottom to the top, the sky is clear to be seen again. Gods give wealth to humans (13.9) according to the natural law of justice, “the ineluctable laws of nature itself”. As Gregory Vlastos points out that although the old magical conception of justice survives in Solon, there is a tremendous transition from the work of Anaximander and Solon. Vlastos calls this “the naturalization of justice”<sup>66</sup>. By justice, Vlastos perceives in Anaximander and Solon’s fragments the mechanism of “equality and balancing of the opposites”<sup>67</sup>, and here I quote the insightful comment:

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<sup>63</sup> The word *dikaioσύνη* does not used in Solon’s fragments. Cf. Gagarin 1974, 197. “Clearly *dikē* has not yet achieved the general moral importance it has in Plato and Aristotle.”

<sup>64</sup> Lewis 2009, 128. Vlastos 1946, 66. Vlastos mentions that Semonides of Amorgus had pictured the sea as double-natured, capriciously shifting from one mood to its opposite: often she stands quiet and harmless....; often she is mad, borne along with thunder-striking waves (Frag. 7.37-40 (Diehl)). Vlastos observes in Solon that “the change is not arbitrary; disturbance is not the natural (‘just’) state of the sea; if it gets into this condition there must be a disturbing cause.”

<sup>65</sup> Noussia-Fantuzzi, 2010, 322; Edmunds 1987.

<sup>66</sup> Vlastos 1947=1995, 174. Also cf. Jaeger 1966, 77-99.

<sup>67</sup> Vlastos 1946, 82.

If this equality is maintained, justice is assured, for no opposite will be strong enough to dominate another. When encroachment occurs, it will be compensated by “reparation,” as, e.g., in the seasonal cycle the hot prevails in the summer, only to suffer commensurate subjection to its rival in the winter. We have already met this ordered sequence of “successive supremacy” in the medical writers and Empedocles. And, although our evidence is not sufficient to establish it conclusively in the case of Anaximander, we can impute it to him with considerable likelihood. In any case we can assume with perfect confidence that, while reabsorption into the Boundless would be the complete and absolute end of all injustice, nevertheless over-all justice is preserved throughout the life-process of the world despite the occurrence of injustice; and this by the equation of reparation to encroachment, which is itself assured through the invariant equality of the opposites.<sup>68</sup>

Gearing towards a political twist, Solon incorporates his naturalistic reflections into his political and economic agenda. By claiming that “I desire to get rich, but I do not wish to have it unrighteously, for *dikē* absolutely (*pantōs*) comes later (*husteron*)” (13. 7-8), Solon seems to have in mind the idea of “keeping balance through punishment”. The amount of wealth one could possess should suit one’s intellectual ability (*artios noos*, 6.4)<sup>69</sup>. And more importantly, with regard to the question of inherited punishment, the theory of “reparation”<sup>70</sup> seems to support the idea of a generational balance on the issue of family wealth. In other words, the mechanism of inherited responsibility well corresponds with the framework Solonian

<sup>68</sup> Vlastos, 1947=1995, 173.

<sup>69</sup> A more explicit expression could be found at:

ὕμεις δ’ ἠσυχάσαντες ἐνὶ φρεσὶ καρτερὸν ἦτορ,  
οἱ πολλῶν ἀγαθῶν ἐς κόρον [ἢ] λάσατε,  
ἐν μετρίοισι τὸ μέγαν νόον· οὔτε γὰρ ἡμεῖς  
πεισόμεθ’, οὔθ’ ὑμῖν ἄρτια τα[ῦ]τ’ ἔσεται. (4c)

<sup>70</sup>

justice, from the both perspective of natural philosophy and of political expressions. It is not as random an operation as in Hesiodic epics. Instead, it caters for a more rationalized understanding of justice and world order.

#### 4. Knowledge and Ignorance: Between the Divine and Humans

One question remains unsatisfactorily answered. In the consideration of the political structure of Solon's time, why would one appeal to divine punishment for the sake of social justice? Is it merely a political enforcement or threat? Or is there anything else behind it? One tentative answer that I can offer from my reading is Solon's pessimistic view of human nature and his skeptical attitude towards the societal realization of *eunomia*.

Emily Anhalt rightly points out that Solon 'shares the traditional archaic view which considers as intellectual deficiencies what we might term "moral" failings'.<sup>71</sup> Solon considers this moral deficiency both as dangerous and disastrous to individuals and to the *polis*. At first glance, these poems well echo the didactic tradition from Hesiod to exhort and teach people to be morally good, as some scholars have pointed out<sup>72</sup>. To me, however, a considerable part of Solon's intention is discuss human nature while adhering to his political agenda. In this sense, *epistantai* should be understood as stating a general fact that humans could not be changed through moral teaching, which could be evidenced by poem 13. 73 ('who can satisfy all?'). Humans are distinct from gods and their ignorance (*aphradiesin*, 3.5) will bring

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<sup>71</sup> Anhalt 1993, 69.

<sup>72</sup> Vlastos 1946, 32-56 focuses on justice as a naturalistic concept in Solon.

fatal consequences to them and to the city.<sup>73</sup> That is why he makes the statement in the opening lines of fragment 3 that the city will not be destroyed at the hands of Athena, the such a stout-hearted guardian (τοίη γὰρ μεγάθυμος ἐπίσκοπος ὀβριμοπάτρη), but will perish at the hands of the citizens themselves because of their greed for wealth. Similar pessimistic views about human nature could also be found at other places of the fragments, which frequently address the greed of both the rich and poor.<sup>74</sup>

For Solon, in my view, human beings are naturally limited to achieve Solonian *eunomia*.<sup>75</sup> Humans are politically imperfect, even potentially destructive to the stability and prosperity of the city they live in. On account of this, in reality, there is a need for a mediator to teach the people in the city (4. 31 )and mediate the opposing powers (36. 26). Outside reality, there is a need of divine power, who watches over justice, i.e., the justice of *dikē* and Zeus and their punishment. Criminals may escape the punishment temporarily, but they will be revenged sooner or later. And that functions as a proof of the cosmic justice. Deferred punishment on criminals' children is a rhetorical complement to this universal justice to fill the gap between reality and theory noticed by Solon.

πολλοὶ γὰρ πλουτέουσι κακοί, ἀγαθοὶ δὲ πένονται·

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<sup>73</sup> Cf. πόλις ὄλλυται, ἐς δὲ μὲν ἀρχοῦ δῆμος ἀϊδρήν δουλῶσύνην ἔπεσεν. (9.3-4)

<sup>74</sup> Cf. τῶν οὐνεκ' ἀλκὴν πάντοθεν ποιούμενος/ὡς ἐν κυσὶν πολλῆσιν ἐστράφην λύκος. (36.26-27)

<sup>75</sup> Cf. Vlastos 1946, 82. Vlastos perceives two strands in Solonian justice. "One is the rational *dikē* of the polis; this is the dynamic principle of Solon's reconstruction of Athenian institutions. The other is the superrational moira of private wealth; this is the restraining principle in Solon's conservatism". For Vlastos, Solonian *eunomia* is the resultant of two opposing tendencies. One of them is, he quotes C.F. Freeman (K.F. Freeman, *The Life and Work of Solon*, Cardiff, 1926.), "negative principle of universal moderation".

ἀλλ' ἡμεῖς αὐτοῖς οὐ διαμειψόμεθα  
τῆς ἀρετῆς τὸν πλοῦτον, ἐπεὶ τὸ μὲν ἔμπεδον<sup>76</sup> αἰεὶ,  
χρήματα δ' ἀνθρώπων ἄλλοτε ἄλλος ἔχει. (15)

Many base men are rich and many good men poor: but we will not take their wealth in exchange for virtue, since this is always secure, while wealth belongs now to one man, now to another.

The existence of unjust wealth should not be a justification of injustice.

The delay itself is related with the divine character that Solon attributes to his gods.

Blaise notices this too and compares Solon's *dikē* to that of Hesiod's: "she never acts in person (in Hesiod)" and "she is an intermediary in charge of pointing out to Zeus human wrong-doings that have to be punished. She cries, she shouts, she speaks (*Works and Days*, 220-224, 260)".<sup>77</sup> While Solon's Zeus,

οὐδ' ἐφ' ἐκάστῳ  
ὥσπερ θνητὸς ἀνὴρ γίγνεται ὀξύχολος,  
αἰεὶ δ' οὐ ἐλέληθε διαμπερές, ὅστις ἀλιτρὸν  
θυμὸν ἔχει, πάντως δ' ἐς τέλος ἐξεφάνη· (13. 25-32)

He is not, like a mortal man, quick to anger at every incident, but anyone who has a sinful heart never ever escapes his notice and in the end he is assuredly revealed.

In this section, as to the question why Zeus does not operate immediate punishment on the *kakon* of human beings in Hesiod, Solon offers an rational interpretation in glorifying the dignified authority of Zeus' justice: Zeus is just not as easily angered as mortals. The significant distinction between Solonian gods and human beings by saying that "he, unlike a mortal man", reveals the foundation of

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<sup>76</sup> Notice that the word "secure" appears again here, which may echo the idea that is presented line 13.10.

<sup>77</sup> Blaise 2006, 116.

justice and its possibility, based on which comes the mechanism of delayed punishment. Quite opposite to humans' lack of knowledge, personified justice *dikē* both "keeps quiet" and "knows the present and the past well".<sup>78</sup> And Jaeger calls time (*kronos*) "her (*dikē*) sole aid and ally"<sup>79</sup> and the relationship between *dikē* and *kronos* "illuminates the normative nature of *dikē*".<sup>80</sup> Moreover, poem 13 is addressed by the poet to the "resplendent daughters of Memory and Olympian Zeus, Pierian Muses". Gagné points out that "it is no coincidence that the first word of the Elegy to the muses is 'memory'".<sup>81</sup> He understands in the way that the switch from first person to objective third person indicates a description of the universal principles of justice that governs time, since time is retribution. It is right to notice the significance of time in Zeus's justice, but it is highly possible that Solon is also emphasizing the omniscience of Zeus, which is the pre-condition for his exercise of justice, that "he sees the end of every matter" (13.17). Zeus does not forget. The knowledge that gods have is contrasted with human beings' blindness and ignorance of their fate that "we (human beings) do not know at the beginning how things end (13.66)". Humans' political and moral imperfection impedes their full access to justice sanctioned by *dikē* and Zeus. Humans forget and criminals may escape, or do escape. On account of this, there is necessity of a divine interference, either as a threat to people, a *consolatio theologiae*, an enforcement of law, or a theoretical justification of justice, to fill the gap between unjust reality and the justice theory.

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<sup>78</sup> Cf. Blaise 2005, 7-8 for an interpretation for the omission of the future points in this line.

<sup>79</sup> Jaeger, 1966, 90.

<sup>80</sup> Almeida, 2003, 220.

<sup>81</sup> Gagné 2013, 233-234.

## 5. Question of Fragment 13: Consistency and Its Relation to Croesus Logos

Surprisingly to me, however, Solon uses the word ἀναίτιος (13.31-32) to describe “the children and race afterwards”. The word itself literally means “not being the fault of, not a cause of something, guiltless”. Then one question arises, does it mean to Solon that descendants to be punished are innocent? Is that part of what is called justice? Should this be read a sign of contradiction of the Solonian *dikē*?

Another question related with the current one is put forward by Gagné and many other scholars: the discrepancy between the two halves of the poem 13.<sup>82</sup> The first half depicts the just and immutable world. The second half, however, changes the tone radically from a world governed by justice to a world of arbitrary chance and contingency. Solon gives a list of empty wishes (κούφαις ἐλπίσι, 13.36) and professions from line 33 to 56 in poem 13 to address the vanity of human beings’ pursuits.<sup>83</sup>

χῶστις μὲν νόσοισιν ὑπ’ ἀργαλέησι πιεσθῆ,  
ὡς ὑγιῆς ἔσται, τοῦτο κατεφράσατο·  
ἄλλος δειλὸς ἐὼν ἀγαθὸς δοκεῖ ἔμμεναι ἀνὴρ,  
καὶ καλὸς μορφὴν οὐ χαρίεσσαν ἔχων·  
εἰ δέ τις ἀχρήμων, πενίης δέ μιν ἔργα βιάται,  
κτήσεσθαι πάντως χρήματα πολλὰ δοκεῖ.  
σπεύδει δ’ ἄλλοθεν ἄλλος. (13. 37-43)

Whoever is oppressed by grievous sickness thinks that he will be healthy; another man of low estate considers that it’s high and that he’s handsome, Though his form is without beauty. If someone is

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<sup>82</sup> Gagné 2013, 236.

<sup>83</sup> There has been a considerable amount of scholarship on this question. Cf. Renaud Gagné 2013: 228; Nesselrath 1992; Anhalt 1993; Nossisa-Fantuzzi, 2006: 152-4; Nossia-Fantuzzi 2010: 133 and 166-168; Versnel 2011: 201-202.

lacking means and is constrained by the effects of poverty, he thinks that he will assuredly acquire much money. Everyone has a different pursuit.

More harshly, “one who strives to do a good things falls unaware into a great ruin, whereas God gives good fortune to one that does ill” (13. 67-68). And the poem ends:

κέρδεά τοι θνητοῖς ὅπασαν ἀθάνατοι,

ἄτη δ' ἐξ αὐτῶν ἀναφαίνεται, ἦν ὅποτε Ζεὺς

πέμψη τεισομένην, ἄλλοτε ἄλλος ἔχει. (13.74-76)

In truth the immortals give men profit, but from them there is revealed ruin, which, now one, now another has, whenever Zeus sends it to punish them.

Scholars have long shed doubt on, or avoided to discuss, the two inconsistent voices framed in this poem. On the one hand, there is in the first half a the depiction of a tamed and rational justice; on the other hand, there is unpredictable fate of humans under the manipulation of the arbitrary will of Zeus, which may remind readers of the lines in *Works and Days* discussed in the previous section that Zeus sends punishment to the whole *oikos* (*Works and Days*, 244; 282-5; 321-6). Superficially, it is a rather significant inconsistency. But a second thought may enable us to realize the nuanced consistency. It is not hard for us to note that all the subjects are mostly singular, which are manifested by the frequent use of the phraseology “*ho men.....ho de.....*”, “*allos.....allos....*”, “*allote....allos....*”. If we relate the current question to the idea “justice as balance” pages before, we should be reminded that Solonian justice functions as an overall balance of opposites. As to the question of humans, Solonian justice applies to the family, or race, as a whole.<sup>84</sup> We may try to

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<sup>84</sup> Cf. Constant 2010, 10: “Ainsi chez les anciens, l'individu, souverain presque habituellement dans les affaires publiques, est esclave dans tous les rapports privés.”



call it “collective justice”. Overall *dikē* ensures the balance of good and evil that is the lot of mankind. Justice is done at the cost of some individuals. This can be well understood in the light of the belief in family solidarity prevalent in Archaic Greece, because of which the son’s life was felt a prolongation of his father’s.<sup>85</sup> In this sense, the question of the inconsistent voices is just too modern to ask, and the question itself is just forcing modern logic of individualism since enlightenment into ancient texts. Instead, the arbitrary fates of individuals depicted in the second half well echo the subject matter of collective punishment in the first half, in the sense that the miseries of these individuals may have some remote cause.

The notion of family solidarity could also be partly supported by an episode in the *Histories*. In Book I, there is a scene that Solon is asked by Croesus who is the happiest (ὀλβιώτατον) of all in the world? Solon’s answer is a certain Athenian man named Tellos. And he gives his one of the two reasons as follows:

Τέλλῳ τοῦτο μὲν τῆς πόλιος εὖ ἠκούσης παῖδες ἦσαν καλοὶ τε καὶ ἀγαθοί, καὶ σφι εἶδε ἅπανσι τέκνα ἐκγενόμενα καὶ πάντα παραμείναντα.

Tellus was from a prosperous city, and his children were good and noble. He saw children born to them all, and all of these survived. (*Histories*, 1.30.4)

It is also no coincidence, that Solon is the person who is consulted by Croesus in the *Histories* about the relation of materialistic possessions with happiness and prosperity, in the consideration that this is an anachronistic mistake. The continuation of a race is deemed to be a true sign of prosperity. In this sense, Gods’ revenge on the descendants and the possible destruction should be viewed by the

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<sup>85</sup> Cf. Glotz 1904, 560-83; Dodds, 1951, 33; Dover 1974, 260.

Greeks the harshest punishment one can receive. As a matter of fact, this is confirmed by Solon himself:

ἤθελον γάρ κεν κρατήσας, πλοῦτον ἄφθονον  
λαβὼν  
καὶ τυραννεύσας Ἀθηνέων μόνον ἡμέρην μίαν,  
ἄσκόδ' ὕστερον δεδάρθαι κάπιτετρίφθαι γένος.(33.5-8)

If I had gained power, obtained vast wealth, and become tyrant of Athens for only a single day, I'd be willing to be flayed into a wineskin afterwards and to have my line wiped out.

As a matter of fact, Solon's visit to Croesus and the fate of Croesus covers the chief subject of almost ninety chapters (1.6-94) of the opening of Herodotus' *Histories*. A tight connection between the teaching of Solon in the *Histories* and Solon's fragment could be obviously seen. Throughout the first Book, Herodotus introduced all the guiding principles, including fate, retribution, the concept of faults of the fathers, and the uncertainty and cyclical variation of human life, which well corresponds with our analysis above of the significance and underlying meanings of inherited responsibility in Solon's poems.

After a retrospective account of the causes of the Trojan War between Greece and the East, the historian introduces "the first man whom I myself know began to commit unjust deeds against the Greeks (1.5.3)". This statement sets the basic tone for the upcoming stories and the divine principles we are able to identify from the Croesus-Logos, namely, fate, the faults of fathers and the uncertainty and mutability of human life. The Croesus Logos consists of three parts: the Lydian accounts of the conversation with Solon (1.29-.33), the tragedy of Croesus' son Atys (1.34-.45) and the fall of Croesus (1.85-.89). During Solon's visit of Lydia, his

contempt for Solon’s teaching about the nature of “the divine” and “prosperity” (1.32) eventually does not illuminate him the looming misfortune and its causes. Wealth does not bring him happiness, as he himself believes so. What follows these warnings is the first disaster that he faces. He is overtaken by a great *nemesis* from a God, whom he has no knowledge about yet. Croesus does not learn much from this calamity, and swiftly comes to his final ruin, together with some perilously ambiguous oracular responses from Apollo and Amphiaraus, after making extravagant sacrifices at Delphi. He is told that “he would destroy a great empire”, if he attacks the Persians. This rightly corresponds with the central theme of the fragment 13 of Solon, the uncertainty of human life. And also, we are able to solve the problem of the inconsistency of fragment 13 by connecting the opening metaphor of uprooting a tree to the instability of human life. The final defeat of Croesus finally brings us to the over-arching principle of the Croesus logoi: inherited responsibility. The destruction of Croesus has already been foretold long before Croesus’ defeat. When the Pythia has declared the usurper Gyges king, she warn him that “retribution would come from the Heracleidae, visiting the fifth descendant of Gydes (1.13.2)”. Oddly, this message was not taken so seriously in Herodotus’ omniscient narrative. Only much later are we able to see the recurrent expression of the inevitability of the punishment on Croesus due to the transgression of Gyges, when finally Croesus acknowledges the mechanism of vengeance from some unspecified God.

τὴν πεπρωμένην μοῖραν ἀδύνατα ἐστὶ ἀποφυγεῖν καὶ θεῶν:  
 Κροῖσος δὲ πέμπτου γονέος ἀμαρτὰδα ἐξέπλησε, ὃς ἐὼν δορυφόρος  
 Ἡρακλειδέων, δόλῳ γυναικίῳ ἐπισπόμενος ἐφόνευσε τὸν δεσπότηα  
 καὶ ἔσχε τὴν ἐκείνου τιμὴν οὐδὲν οἱ προσήκουσαν.(1.91.1)

No one may escape his lot, not even a god. Croesus has paid for the sin of his ancestor of the fifth generation before, who was led by

the guile of a woman to kill his master, though he was one of the guard of the Heraclidae, and who took to himself the royal state of that master, to which he had no right.<sup>86</sup>

The first book of Herodotus, then, is programmatic for the whole work.

Many of the recurrent themes are present: human life is intrinsically mutable; when a man is on the road to ruin; the crossing of boundaries tends to mark impending doom. Moreover, *tisis* is an inescapable principle; the crimes of ancestors will inevitably find their atonement in due course; and fate cannot be cheated. These causal features recur both on the scale of over-arching structures and in little throughout the work. And Obviously, Solon, as in those poems, plays a vital role in the Croesus Logos in substantiating the notion of inherited responsibility through Herodotus.

## 6. Conclusion

Inherited responsibility in *Works and Days* is a proof of Zeus's justice and power. But it seems that Hesiod has never questioned critically, or complained the validity of justice done through divine violence and the unpredictable but doomed arrival of justice, from the perspective of the innocents, after all, he considers himself as a good man. He happily accepts the ways things go as natural as is the climate. Hesiod's formulation lacks any intrinsic causal connection between unjust act itself and the events which Hesiod regards as its punishment. Anthony Edwards identifies Ascrea at the time of Hesiod (c. 700 BCE.) as an autonomous egalitarian Dark Age community. He claims that Ascrea "is a very small world that has remained unhierarchized and unregimented by the *polis* system, by the need to supply a basileus or an elite with a surplus."<sup>87</sup> If it is so, it is understandable why Hesiod

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<sup>86</sup> Translation by A. D. Godley.

<sup>87</sup> Edwards 2004, 166.

holds such a naturalistic view of how justice runs on account of his rural life deprived of a maturely-developed political institutions. In Solon's poems, however, delayed punishment is observed in Solon's poem 4, as the "immanent causality" which links the punishments to the unjust acts. The precarious balance of the community life is bound to be disturbed by unjust acquisition and that in itself represents the punishment. Thus, for Solon, natural causality, which entails the logic of inherited responsibility, replaces spontaneous divine operation as is in Hesiod's. And by this very reason, Lewis claims that "divine intentionality and responsibility are precisely the elements that Solon denies"<sup>88</sup>.

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<sup>88</sup> Lewis 2006, 14.

## CHAPTER THREE

### Retribution and Reconciliation: The *Oresteia*

Lysias (445 BC-380 BC) indirectly informs us through his court speeches that it is possible that if a father loses his citizenship, his children would also be deprived of civil rights.<sup>89</sup> Likewise, if a father is banished from a city, his children would also be exiled by the city together with their parents. In *Against Andocides*, we are able to find the typical Solonian expression of justice that “God does not punish instantaneously; that sort of justice is characteristic of humans. I find evidence for this in many places: I see others who have committed impiety and have paid the penalty much later, and their children paying the penalty for the crimes of their ancestors” (*Against Andocides*, 20).<sup>90</sup> And in the prosecutions, court speakers often cite that a person’s father crime is a firm evidence of a man’s potential of committing a crime, in *Against Nicomachus* for instance. Likewise, Court speakers often cite their ancestors’ military exploits and other good deeds in an effort to convince the jury of their own virtue.<sup>91</sup> In one place, Lysias accused his opponent by citing that a polluted person

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<sup>89</sup> Lys. 20.34; Is. 10.17; Dem. 22.33–34; 24.201; 43.58; 58.1–3, 16–19. For discussion, see Hansen, *Apagoge* (1976) 71–72; Hunter, “*Policing Public Debtors*” (2000); MacDowell, *The Law in Classical*

*Athens* (1978) 164–67; Todd, *Shape of Athenian Law* (1993) 143–45. Adriaan Lanni summarizes three main categories of public offenses in which collective punishment is used in the classical Athenian laws. “(1) failure to pay debts owed to the state; (2) serious crimes against the state, such as bribery and attempting to overthrow the democracy; and (3) failure of boards of magistrates to carry out their duties.” It is also worthy noticing that, as is pointed out by Lanni, “unlike law in other ancient societies, classical Athenian law rarely used collective sanctions.” See Lanni 2017, 13. If, inherited responsibility, does exist as the central theme of the *Oresteia*, we are tempted to inquire into its popularity in tragedies and other arts, which are considered to be “political institutions (Euben 1982,23)”.

<sup>90</sup> Lysias, trans, Steven Charles Todd, University of Texas Press, 2000,p.69.

<sup>91</sup> For discussion of the use of character evidence in Athenian courts, see Lanni 2006, 59–64.

may risk involving his fellow-passengers if the gods decide to punish him by sinking the ship, which well corresponds with the Hesiodic idea that Zeus' anger will punish the criminals along with the innocent.<sup>92</sup> Therefore, it should be reasonable for us to deduce that the concept of inherited responsibility did exist in fifth-century Greece, as well as earlier from my analysis in earlier chapters. Aeschylus' *The Oresteia*, was put on stage in 458 B.C., a bit earlier than the birth of Lysias. This trilogy is primarily about the destruction of the house of Atreus, political obligations and blood loyalties, adultery and revenge. One of the problems that scholars argue about is the nature of Agamemnon's guilt. The intertwined concepts of individual guilt, inherited guilt, and fate are notoriously hard to unravel in the *Oresteia*. Hugh Lloyd-Jones, for instance, firmly believes that "such guilt as the King (Agamemnon) contracts from the sacrifice of his daughter and from the annihilation of Troy with its people and its temples is only a consequence of the original guilt inherited from Atreus; the curse come first, and determines everything that follows."<sup>93</sup> On the other hand, Timothy Gantz pungently rebukes the existence of inherited guilt in the *Oresteia* with the argument that the guilt of Agamemnon is a guilt which each individual acquires for himself.<sup>94</sup> Both of the two sides try to solve the question whether Agamemnon is free-willed when making an expedition to the Ilium, or sacrificing Iphigenia. Is he passive driven by the ancestral curse, being an instrument of the gods? Is it possible that he is active, but his actions just fall into the traps that the curses and the gods have set up? Or he is free in every aspect, if so, how can we explain the role of the generational curse in the

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<sup>92</sup> P.99. Also see how Andocides demolishes this argument at And. I.137-139.

<sup>93</sup> Lloyd-Jones 1962, 199.

<sup>94</sup> Gantz 1982, 23.

plays? Is it possible that by the standards of Aeschylus there is no systematic understanding of free will which these two scholars have proposed. The trilogy tries to tell a story about the destruction of a polluted house, as an expression of a primitive understanding of curses and fate in the framework of a Homeric tradition, even possibly a much earlier one. In this chapter, I will try look into the nature of the atrocious crimes that happens in the house of Atreus and their interconnections through the intricately interwoven texts and images of the trilogy.

### 1. Curse on House of Atreus

Most of our present knowledge of the stories about the House of Atreus is based on the Appolodorus' *Histories*, Aeschylus' the *Oresteia* and many other Roman myth collections, such as Hyginus' *Fabulae*, Pausanias' *Description of Greece*. And it is frustrating for the person with a desire to restore the myth in a chronological order from the earliest times when it was written down, because it is almost impossible. We can only endeavor to take glimpses through the preserved bits, which vary in details, to speculate a possible much wider version in oral circulation.

The story of the Atreidae, which is a typical example of the Greek mythos of blood guilt, is one of the most popular dramatic subjects in antiquity. To give a few examples of the fascination of the Greeks of this theme, scholars have being compelled to draw evidences from Aeschylus' *Oresteia* for plots of this story that must have a rather long oral history. I will first look into how the story of, or related with Agamemnon in Homeric epics with a focus on the curse on the House of Atreus.

Early in the *Iliad* Book 2. 100-108, when describing the transmission of the sceptre which Hephaestus had wrought with toil, Homer tells us a possible version of



the genealogy of the family of Agamemnon, not explicitly. Hermes gave the sceptre to Pelops, and Pelops in turn gave to Atreus. When Atreus was close to death, he left the sceptre to Thyestes, and Thyestes left it to Agamemnon for him to be “the lord of many islands and of all Argos” (108).

Ἡφαιστος μὲν δῶκε Διὶ Κρονίῳ ἀνακτι,  
αὐτὰρ ἄρα Ζεὺς δῶκε διακτόρῳ ἀργεῖφόντη·  
Ἑρμείας δὲ ἄναξ δῶκεν Πέλοπι πληξίππῳ,  
105 αὐτὰρ ὁ αὖτε Πέλοψ δῶκ' Ἀτρεΐ ποιμένι λαῶν,  
Ἀτρεὺς δὲ θνήσκων ἔλιπεν πολύαρνι Θυέστῃ,  
αὐτὰρ ὁ αὖτε Θυέστ' Ἀγαμέμνονι λείπε φορῆναι,  
πολλῆσιν νήσοισι καὶ Ἄργεϊ παντὶ ἀνάσσειν.

Hephaestus had wrought with toil. Hephaestus gave it to king Zeus, son of Cronos, and Zeus gave it to the messenger Argeiphontes; and Hermes, the lord, gave it to Pelops, driver of horses, and Pelops in turn gave it to Atreus, shepherd of the host; and Atreus at his death left it to Thyestes, rich in flocks, and Thyestes again left it to Agamemnon to bear, that so he might be lord of many isles and of all Argos.

This is the first record we have for the genealogy of the house of Atreus. This section, however, does not detail us with more information about the things that have happened on Pelops, Atreus and Thyestes. G. S. Kirk notices the strangeness of the presence of Hermes here. He brings up that Hermes played a special role in the Pelops myth, since as father of Murtilos, the charioteer first suborned and then betrayed by Pelops, he brought about the famous quarrel between Atreus and his brother Thyestes as a punishment on the house. And according to the myth exploited from tragedy and known at least since the sub-epic poem *Alcmaeonis* (with reference to the scholium on Euripides, *Orestes*, 995), that Thyestes gets the golden ram, and hence the kingship, but Atreus feeds Thyestes with his own children through immoral means. Kirk quotes

Aristarchus that Homer does not know anything about the curse on the House of Atreus. Kirk thinks that there is a possibility that Homer, probably knowing the story, “preferred on occasion to use a less elaborate version”.<sup>95</sup> And for this specific section, the choice is dictated by the wish to avoid digression and it is the reason why Homer switched from an active word *δῶκε* to a more passive word *λεῖπε*, which could be a sign of Homer’s knowledge of the quarrel between Atreus and Thyestes.

In the *Odyssey*, Homer uses the story of Agamemnon’s homecoming and his murder by Clytemnestra (and Aegisthus) as a contrast with the homecoming of Odysseus, as a warning to him. But there is not any clear sign of the curse of the House of Atreus. To inject the curse of the house of Atreus would have vitiated the point of the contrast. Nevertheless, it was a mythic story that most of his audience would have understood as the context for repeated references to Agamemnon’s murder.

In the *Odyssey* Book I. 29-43, when Zeus remembered the “blameless” Aegisthus, who died at the hands of Orestes, the son of Agamemnon, and claimed that humans should not blame gods for their sufferings. Instead, humans suffer pains because of their recklessness (*ἀτασθαλία*), and because they act *ὑπὲρ μόρον*. And *ὑπὲρ μόρον*, Aegisthus married wife and killed the returned man. And Zeus continued by saying that he has already sent Hermes to warn him that if he does these things, revenge will happen to him once Orestes grows into an adult. If *ὑπὲρ μόρον* means “beyond fate”, then it may imply here is Aegisthus is not doomed to marry and kill. And what is more ambiguous is the warning from Zeus. If we assume the action of revenge a

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<sup>95</sup> Kirk 1985, 127.

social tradition, then Aegisthus himself should be aware of it. If we view this warning as a divine secret, which Aegisthus does not have any knowledge of, it may imply that there is something that is doomed to happen. Also book III. 304-10 repeats Aegisthus's murder of Agamemnon.

In Odyssey Book XI, after he recounted the joint murder of Aegisthus and Clytemnestra,

ἦ μάλα δὴ γόνον Ἀτρέος εὐρύοπα Ζεὺς  
ἐκπάγλως ἤχθηρε γυναικείας διὰ βουλάς  
ἐξ ἀρχῆς. (11.436-438)

Ah, verily has Zeus, whose voice is borne afar, visited wondrous hatred on the race of Atreus from the first because of the counsels of women.

It is certainly one perspective to examine the stories that are textually evident. But, on the other hand, an examination on the absence of the stories that are supposed to be popularly known will reveal different author's intentions.

### 3. Generational Curse in the *Oresteia*

As we know, the House of Atreus is haunted by a generational curse, which is the ultimate cause of a series of revenges. It is useful for us to reconstruct the curse through an examination of the incidents that happen to the earlier generations.

Right before the entrance of Agamemnon with Cassandra as his trophy, the chorus starts reasoning with an old doctrine that a man's prosperity, if it becomes too great, breeds sorrow for his family. This view conveys the Solonian idea that a person's desire should have boundaries, and the gods are jealous of extreme

prosperity. The gods will visit misery on their descendants.<sup>96</sup> This old doctrine is later rejected and revised with regard to piety instead of wealth.

It is the evil deed that afterwards begets more iniquity like its own breed; but when a house is righteous, the lot of its children is blessed always.<sup>97</sup> (Ag.759-762)

Quite different from the Solonian idea that the victims of the delayed punishment are innocent, it is stressed here that the evil deed would breed more to the house. On this point, it seems that Aeschylus has a more sophisticated understanding of hereditary evil, if compared to the Solon's theodicy that the existence of evil is well reconciled by the theory that misfortune would finally descend upon the offspring of the criminals. The Aeschylean interpretation of ancestral fault involves the innate qualities of a house. Good house breeds good people. Bad people breeds bad people. But does it mean thus that the descendants are guilty of their ancestral faults, or that the descendants are guilty of their own crimes, which according to the new doctrine is doomed to occur. It is quite ambiguous to judge which one the new doctrine would approve. I would say that the Greeks do not have a clear line of what is personal and what is familial due to the lack of emphasis of individualism. As multiple classicists such as W. K. Lacey put it, "all the Athenian law was framed with this membership of the oikos in view; a man's oikos provided both his place in the citizen body and what measure of social security there was"<sup>98</sup>. "The household was the economic, emotional, social, and moral institution that enabled the husband to take his place in the political

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<sup>96</sup> Cf. Herodotus 3.40-3. also cf.

<sup>97</sup> All translation of the *Oresteia* are H. W. Smyth's unless noted otherwise.

<sup>98</sup> Lacey 1968, 118.

community as an individual citizen”<sup>99</sup>. Aristotle believed that the “polis is a partnership of households”<sup>100</sup>, and that individuals were members of a polis simply by being members of an identifiable and authentic oikos. In this sense, Lloyd-Jones interpretation of external necessity is doubtful, since there is barely individual or private behavior in tragedies. Self and oikos are closely intertwined, hard to untangle, just as how hard it is to unravel if it is Agamemnon’s free will to do certain actions. For the entire house is buried in “primal crimes” and curses as the chorus tells us.

Χορός  
φιλεῖ δὲ τίκτειν Ὕβρις  
μὲν παλαιὰ νεά-  
ζουσαν ἐν κακοῖς βροτῶν  
ὕβριν τότε ἢ τόθ’, ὅτε τὸ κύρ-  
ιον μόλη φάος τόκου,  
δαίμονά τε τὰν ἄμαχον ἀπόλεμ-  
ον, ἀνίερρον Θράσος, μελαί-  
νας μελάθροισιν Ἄτας,  
εἰδομένας τοκεῦσιν. (763-771)

Chorus

But ancient Arrogance delights to generate  
Arrogance, young and strong mid mortals' sorrow,  
Or now, or then, when comes the appointed morrow.  
And she bears young Satiety;  
And, fiend with whom nor fight nor war can be,  
Unholy Daring -- twin black Curses  
Within the household, children like their nurses. (Ag.763-771)

The *kommos* (1072-1177) helps us to reconstruct the Ὕβρις παλαιὰ of the

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<sup>99</sup> Nagle 2006, 303.

<sup>100</sup> Nagle 2006, 20.

blood-soaked house through the mouth of Cassandra, as keen-scented as a hound (1093), the prophetess who is believed by nobody because of the curse by Apollo, and the mouth of Aegisthus. The first crime committed mentioned is adultery, which is chanted by the Furies to be *πρώταρχον ἄτην* (“primal act of ruinous madness”<sup>101</sup>, 1192). The Furies “spit out at a brother’s bed which was inimical to its trampler” (1193). This refers to the much-hated Thyestes’ adultery with Atreus’ wife, which is the cause of Atreus’ revenge. Cassandra in a vision reveals the horrifying scene that she sees in the hall, i.e., Atreus kills the children of Thyestes and serves up to him having invited him to a banquet of reconciliation.<sup>102</sup>

Children, they seem, slaughtered by their own kindred, their hands full of the meat of their own flesh; they are clear to my sight, holding their vitals and their inward parts (piteous burden!), which their father tasted. (Ag. 1219-1222)

The Chorus painfully acknowledges their awareness of the child-slaughter and cannibalism and is amazed at Cassandra’s ability to foretell the future, although she is cursed not to be trusted by anyone. The Chorus shivers ready to listen to Cassandra prophesying the appalling murder that is going to and is doomed to happen in the house of Atreus. The curse by Thyestes towards the house of Atreus is later revealed through the mouth of Aegisthus recounting banquet scene. Aegisthus informs us of an earlier cause of the hatred among the two houses, which is the banishment of Thyestes

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<sup>101</sup> 195.

<sup>102</sup> As for the question of why Zeus does not punish Thyestes and Atreus immediately after the crimes, Aeschylus remains silent. But it is reasonable to deduce that his may reply in the same manner as Solon that

οὐδ’ ἐφ’ ἐκάστω

ὥσπερ θνητὸς ἀνὴρ γίγνεται ὀξύχολος,

αἰεὶ δ’ οὐ ἐλέληθε διαμπερές, ὅστις ἀλιτρὸν

θυμὸν ἔχει, πάντως δ’ ἐς τέλος ἐξεφάνη· (13. 25-32).

and his children by Atreus. Interestingly, the adultery of Thyestes with Atreus' wife is omitted in Aegisthus' narration, which is helpful for our later interpretation of the nature of the justice of their revenge. Aegisthus for the first time in the trilogy reveals the curse of his father:

ἀμπίπτει δ' ἀπὸ σφαγῆν ἐρῶν,  
μόρον δ' ἄφερτον Πελοπίδαις ἐπέυχεται,  
λάκτισμα δείπνου ξυνδίκως τιθεὶς ἄρᾳ,  
οὕτως ὀλέσθαι πᾶν τὸ Πλεισθένους γένος.

He uttered a great cry, reeled back, vomiting forth the slaughtered flesh, and invoked an unbearable curse upon the line of Pelops, kicking the banquet table to aid his curse, "thus perish all the race of Pleisthenes!" (Ag. 1658-1601)

The recurrent image of slaughtered children and blood-shedding flesh appears again in Aegisthus' description in order to reaffirm the cruelty of Atreus and the need for him to revenge. Scholars touching on the subject of inherited responsibility in the *Oresteia* mostly focus on the revenge of Aegisthus and Orestes. As a matter of fact, children who have not reached maturity are also the targets of atonement. For instance, the children of Thyestes are used as instruments of avenging by Atreus. Dying childless in the eyes of the Greeks is one of the most unfortunate thing one could suffer.<sup>103</sup> As we read in the old doctrine mentioned above that a righteous house is blessed with many children, the most severe punishment for a person, or for a house, is the destruction of one's line. Bennett Simon talks about the "utilitarian value" of children in the *Oresteia*. "Children are part of commodities, and alternatively can be prized for their survival or as mean of revenge on adversaries within the family. All of this must somehow be resolved so that the curse will not be transmitted and reenacted

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<sup>103</sup> Cf. Herodotus

by each generation in turn trying to destroy its children.”<sup>104</sup> In Solon’s fragments, the victims who suffer punishment because of their ancestor’s greed are considered to be innocent (ἀναίτιος), the children who have been slaughtered, in the world of Aeschylus, however, children are guilty and the guilt is inherited, even though the criminal is still alive. Children are viewed to be the continuation of their father’s line and the evilness is going to be transmitted down the generations. In this sense, it is the children’s responsibility to die in order that their father’s pollution could be washed off. Death as purification of man-slaughter applies to adults too, Agamemnon and Aegisthus for instance, since the fatal curse has predetermined their fates. This can also be evidenced textually. The content of the curse is that the race of Pleisthenes should perish, just as the table overthrown. And it is necessary for us to know that the word μόρον in Aeschylus’ works always means death instead of fate, which is more common in our reading, as E. Fraenkel reminds us.<sup>105</sup> But on the other hand, the sons also have the responsibility to protect the male bloodline in the household by annihilating the adulterer who is threatening his position by siring new offspring to replace the legitimate king’s brood and keep them from the throne. Both of them should be considered as inherited. The former is a punishment imposed on them by the necessity of the curse. And the latter is a must-do according to the social norms. These two kinds of inherited responsibility convene in the trilogy and their conflicts creates what makes the *Oresteia* tragic. And of course, we should be able to tell that the inherited responsibility is more complicated than its normal meaning.

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<sup>104</sup> Simon 1988, 41.

<sup>105</sup> Fraenkel on Ag. 1146.



#### 4. Blood Revenge and Necessity

Our use of inherited responsibility implies that the sinful acts of ancestors, especially male ones, will continue to affect the lives of the descendants. In essence, this is the precept behind inherited responsibility, a condition in which future generations continue to bear some feelings of responsibility for the actions of their predecessors. The responsibility should be something that is beyond the control of their offspring. For instance, in Solon's fragments, a man's misfortune should be attributed to an ancestral fault. Or in the case of collective punishment, the people who are related through kinship are executed together with the criminal. Or in the case of slave trade, the lasting humiliation on the slaves' progeny is often considered as an inherited responsibility for the white people. In Aeschylus', however, inherited responsibility as one of the central themes of the trilogy is complicated by the fact that characters' sinful acts in the *Oresteia* are intermingled with their ancestral sins, and intervened by the divine will. That is why the question of free will is brought up regarding whether they are responsible for their own actions or for the actions of their ancestors. In light of this, we need to examine the motivation of each character involved in the curse on the house of Atreus within the framework of the *Oresteia*.

First and foremost, the need to examine if the curse comes with necessity is without doubt. We may start with Cassandra's prophecy. The Chorus of the elders begins to feel a sense of fear that the arrival of the retributive justice may end the good fortune of Agamemnon after Clytemnestra guides Agamemnon into the court on the purple carpet. They begin to listen to Cassandra's burst of utterance and ambiguous prophecies. Having sensed the old crimes of the house, which earned

somewhat trust of the elders, Cassandra foretells the death of Agamemnon in the bathtub by using the metaphor of a female bull who has “caught him in the robe and gores him with crafty device of her black horn (*Ag.* 1126-1127)”. Later she proves herself recounting the ancient sins in the house that she is not a “prophet of lies, a door-to-door babbling (*Ag.* 1195)”. From this, we should be able to tell that Aeschylus does not simply use Cassandra as a rhetorical device for the purpose of exaggerating the frightening atmosphere. Instead, Cassandra’s role as a prophetess expresses Aeschylus’ religious beliefs. So, she is reliable. In addition, she swears that “we are not going to lie dead without honour (i.e. vengeance) from the gods. (*Ag.* 1279)”, for τὸ μέλλον ἥξει (what is to come will come, *Ag.* 1240) and ἥξει γὰρ ἡμῶν ἄλλος αὖ τιμάορος (another in turn shall arrive as our avenger, *Ag.* 1280-1282). The two future tense here clearly indicates the confidence of the prophetess that the revenge is predetermined to happen.

The characters are just passive receivers of these obligations. And more importantly, their profane acts continue to be parts of the chains of the sins. The inevitability is further evidenced through the utterance of the law of Zeus.

Χορός

ὄνειδος ἦκει τόδ’ ἀντ’ ὀνειδούς.

δύσμαχα δ’ ἔστι κρῖναι.

φέρει φέροντ’, ἐκτίνει δ’ ὁ καίνων.

μίμνει δὲ μίμνοντος ἐν θρόνῳ Διὸς

παθεῖν τὸν ἔρξαντα: θέσμιον γάρ.

τίς ἂν γονὰν ἀραῖον ἐκβάλῃ δόμων;

κεκόλληται γένος πρὸς ἅτα. (*Ag.* 1560-1566)

Chorus

Reproach thus meets reproach in turn—hard is the struggle to decide.

The spoiler is despoiled, the slayer pays penalty. Yet, while Zeus remains on his throne, it remains true that to him who does it shall be done; for it is law. Who can cast from out the house the seed of the curse? The race is bound fast in calamity.

The Chorus reaffirms the ordinance (θέσμιον) “that the doer suffer”, which is eternal and sanctioned by Zeus “as long as Zeus remains on his throne”. David Raeburn reminds us to notice the doubling of μίμνω, which emphasizes the stability of the ordinance.<sup>106</sup> The phrase γονὰν ἀραῖον (the seed of the curse) also identifies the existence of inherited responsibility in the *Oresteia* in that the curse is not to be removed by any individual but to be passed down through descent. The curse reproduces itself within the family by seeding, and could spring up again in the future. The metaphor of glue (ἐκβάλοι) further stresses the inevitability of the realization of the curse.

If so, it leads us to conclude that all the acts of the characters involved in the curse is inevitable, since according to the curse, the members of the House of Atreus should perish. But how? The curse does not present a definite answer. Through revenge against each other, the most brutal way of destruction, and the most lawful way according to the Law of revenge (παθεῖν τὸν ἔρξαντα) sanctioned, as we are informed repeatedly in the *Agamemnon* and the *Libation Bearers*. Are things really so? Let us examine the chain of acts that lead to the slaughter among kinship in the *Oresteia*.

First of all, is Agamemnon innocent? The Chorus of the elder explicitly (*Ag.*60) asserts that the expedition towards the Trojans under the command of Agamemnon is a just one to punish Paris for breaking the law of host and guest sanctioned by Zeus.

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<sup>106</sup> Raeburn 2011, 230.

The whole matter of whether he is innocent depends on the matter of the sacrifice of Iphigenia. Regarding the scene at Aulis, almost all scholars admit that this is a puzzling question. There are two sides. One side, D. L. Page and Hugh Lloyd-Jones, supports the idea that Agamemnon has no choice due to Zeus' interference. Agamemnon is described as deranged (τάλαινα παρακοπή πρωτοπήμων), which reminds us of the episode in the nineteenth book of the *Iliad* where he tries to account for his reckless behaviour that "I was not responsible, but Zeus and my portion and the Erinys that walks in the darkness, who while I spoke put cruel Ate in my mind." Lloyd-Jones argues that the infatuation (παρακοπή) in Aeschylus is hardly distinct from Ate in the *Iliad*.<sup>107</sup> Ate is the instrument of Zeus to punish wrong-doers. Moreover, it should be an coincidence that Ate is also used to describe the curses upon the House of Atreus (άνιερων Θράσος, μελαί-νας μελάθροισιν Ἄτας, *Ag.* 770) affirming the power of Zeus in exacting revenge in the matter of man-slaughter. Also, in Solon's fragment, Ate is also used to describe Zeus' punishment on the descendants of the wrong-doers. Timothy Gantz, on the other side, holds that the sacrifice of Iphigenia is an "conditional outcome rather than a requirement"<sup>108</sup>. Timothy Gantz seems to understand inherited guilt in a manner that this concept has to refer to a man's innocence and the external influence on him. This is not the case in Aeschylus. Inherited responsibility in Aeschylus works under the unavoidable curse of avenging each other. The killing could happen in various ways, but it is doomed that the sinful acts should continue until the destruction of the entire house, which is also a manifestation of Zeus' will. In the case of Agamemnon, it is the sacrifice of Iphigenia

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<sup>107</sup> Lloyd-Jones 1962, 192.

<sup>108</sup> Gantz 1982, 11-12.

that connects the old family-sin. In other words, the predicament at Aulis provides Zeus an opportunity to continue his revenge.

As a matter of fact, the Chorus of elders acknowledges that the act of Agamemnon is “impious, unholy, unsanctified” instead of viewing him as innocent that Timothy Gantz tries to rebuke.

Χορός

ἐπεὶ δ' ἀνάγκας ἔδω λέπαδνον  
φρενὸς πνέων δυσσεβῆ τροπαίαν  
ἄναγον ἀνίερον, τότεν  
τὸ παντότολμον φρονεῖν μετέγνων.  
βροτοὺς θρασύνει γὰρ αἰσχρόμητις  
τάλαινα παρακοπὰ πρωτοπήμων.

But when he had donned the yoke of Necessity, with veering of mind, impious, unholy, unsanctified, from that moment he changed his intention and began to conceive that deed of uttermost audacity. For wretched delusion, counsellor of ill, primal source of woe, makes mortals bold. (Ag.218-223)

The ἀνάγκας in the quotation above is puzzling. Does it mean the external pressure from Zeus/Artemis<sup>109</sup>? Or the pressure from the army? Or the necessity of the family curse? Whatever it is, it shows that Agamemnon is trapped in a situation that his acts do not reflect his true intention, which is his unwillingness to sacrifice his own daughter. It can be attested by the words of the Chorus that “he changed his intention and began to conceive that deed of uttermost audacity.” Zeus’ Ate makes him do so. What are the outcomes of such delusion? The Chorus expresses another concern that the sacrifice, the one “unlawful, unsuited for feast, worker of family strife, dissolving

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<sup>109</sup> For the question of why Artemis is angered and her role in the issue of inherited responsibility, see Raeburn 2001, 84. He suggests that Artemis does not oppose Zeus’ plan as expressed in the omen, but that her anger is simply the counterpart of Zeus’ own plan, that wrong shall be avenged by violence, and that in consequence the avenger must pay.

wife's reverence for husband (σπευδομένα θυσίαν ἑτέραν ἄνομόν τιν', ἄδαιτον  
 νεικέων τέκτονα σύμφυτον, Ag. 151-152)" may have results. The word σύμφυτον  
 (congenial, innate) suggests that the act of sacrificing Iphigenia is a facet of the  
 inherited family troubles. Agamemnon is treated as a instrument to re-trigger the  
 curse of family strife. In this sense, his inherited responsibility includes not only being  
 forced against his willingness to sacrifice his daughter under the urge to destroy Ilium  
 avenging his brother, which is his ambition and glory. But on the other hand, he is  
 cursed to be obliged to die in the hands of his father's enemy. He himself is innocent  
 in the sense that for the public good, i.e. the interests of the suffering Greek army, he  
 is forced to do what is imperative at the will of the gods. Meanwhile, he is guilty in  
 the sense that he has committed a crime of serious consequences.

μίμνει γὰρ φοβερὰ παλίνορτος

οἰκονόμος δολία μνάμων μῆνις τεκνόποιος. (154-155)

For there abides wrath— terrible, not to be suppressed, a  
 treacherous guardian of the home, a wrath that never forgets and that  
 exacts vengeance for a child. (Ag. 154-155)

What leads Timothy Gantz to believe the absence of inherited guilt in the *Oresteia* is  
 that he tries to prove that Agamemnon is not innocent and that “transgressions in this  
 house may create a climate which encourages further transgressions.”<sup>110</sup> But he fails  
 to understand the mechanism of revenge in these plays. As I said before, innocence is  
 no longer a necessary component of inherited responsibility in Aeschylus as is in  
 Solon's works. What advances the tragic atmosphere forward is the necessity of  
 revenge emphasized multiple times. Agamemnon's unlawful sacrifice of Iphigenia is  
 a νεικέων τέκτων σύμφυτον (congenial worker of the fights, 153) that sets off a chain

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<sup>110</sup> Gantz 1982, 23.

of events connecting previous crimes. Everyone in house is sucked into the whirl of troubles that are predestined to happen. Another question arises: if Agamemnon's sacrifice of Iphigenia is beyond his own ability to choose, are we able to come to the same conclusion that the murder by Clytemnestra and Aegisthus, and the revenge of Orestes are necessary too? If so, it is reasonable for us to conclude that the inherited responsibility are really inherited. But if not, the worries of the Chorus of the elders, the prophecies of Cassandra and the gloomy pressure of the curse are going to appear in vain. This question could also be rendered into an question of freedom. Are the character free in action? On this point, I agree with some scholars' opinion that the question of freedom seems somewhat anachronistic when it comes to the Aeschylean world? Albin Lesky's work on the decision-making and responsibility is extremely helpful. To conclude our observations we may take it as proved that two elements of high significance in Aeschylus can be clearly shown: the close union of necessity imposed by the gods and the personal decision to act. This union leaves a certain space for the will of the individual but at the same time limits it. Secondly, we have seen what an important part in Aeschylus' dramas the ambiguity of human action plays. It can be the fulfilment of a duty, obedience to a divine order and yet at the same time be a dreadful crime.<sup>111</sup>

In other words, innocence and guilty in the world of Aeschylus are not mutually exclusive, as R. D. Dawe's remarks that are quoted by Timothy Gantz "nobody is now so naive the he would insist on a yes or no answer to the question,

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<sup>111</sup> Lesky 1966, 85.

‘does Aeschylus believe in free will?’”<sup>112</sup>

Let’s return to Agamemnon. Right before he is stabbed in the bathtub, the Chorus manifests the code of revenge that a man should be responsible for προτέρων αἵμ’ (see it quoted below). Timothy Gantz strangely interprets that προτέρων αἵμ’ can only allude to the sacrifice of Iphigenia. It is obviously a mistake. First of all, προτέρων is a plural, which suggests that the blood of the previous ones should include his father’s cooking of Thestes’ children. Secondly, judging from the sentence that follows, it makes sense for us to conclude that the Chorus is referring to ancestral faults, since no one can declare that he is fortunate on the ground that there might be some unknown source of evil that needs to be avenged, correspondences of which could be found at various places at Solon’s fragments<sup>113</sup>.

νῦν δ’ εἰ προτέρων αἵμ’ ἀποτείση  
καὶ τοῖσι θανοῦσι θανῶν ἄλλων  
ποινὰς θανάτων ἐπικράνη,  
τίς ἂν ἐξεύξαιτο βροτῶν ἀσινεῖ  
δαίμονι φῦναι τάδ’ ἀκούων; (1338-1342)

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<sup>112</sup> Gantz 1982, 1.

<sup>113</sup> Cf. Solon Frag. 13:

Μοῖρα δέ τοι θνητοῖσι κακὸν φέρει ἠδὲ καὶ  
ἐσθλόν,  
δῶρα δ’ ἄφυκτα θεῶν γίγνεται ἀθανάτων.  
πᾶσι δέ τοι κίνδυνος ἐπ’ ἔργμασιν, οὐδέ τις οἶδεν  
ἢ μέλλει σχήσειν χρήματος ἀρχομένου·  
ἄλλ’ ὁ μὲν εὖ ἔρδειν πειρώμενος οὐ προνοήσας  
ἐς μεγάλην ἄτην καὶ χαλεπὴν ἔπεσεν,  
τῷ δὲ κακῶς ἔρδοντι θεὸς περὶ πάντα δίδωσιν  
συντυχίην ἀγαθὴν, ἔκλυσιν ἀφροσύνης. (Solon Frag. 13. 62-70)



Yet if he now must pay the penalty for the blood shed by others before him, and by dying for the dead he is to bring to pass retribution of other deaths, what mortal man, on hearing this, can boast that he was born with scatheless destiny? (Ag.1338-1342)

The principle of blood for blood is a central theme that connects the events throughout the first two plays. It states the uncompromising ordinance παθεῖν τὸν ἔρξαντα (Ag. 533, 1430, 1527-9, 1564, 1658, also in *Cho.* 121-3, 142-4, 310, 400-4, 930, 1007-9): the doer must suffer. The concern with revenge opens a vista of justice, violence, obligation and punishment that constitute the widest dynamics of social order. The idea is an ancient one.<sup>114</sup> A most concentrated passage is cited below.

Χορός

ἀλλὰ νόμος μὲν φονίας σταγόνας  
χυμένας ἐς πέδον ἄλλο προσαιτεῖν  
αἶμα. βοᾷ γὰρ λοιγὸς Ἑρινὸν  
παρὰ τῶν πρότερον φθιμένων ἄτην  
ἐτέραν ἐπάγουσαν ἐπ' ἄτη.

Chorus

And it is the eternal rule that drops of blood spilled on the ground demand yet more blood. Murder cries out on the Fury, which from those killed before brings one ruin in the wake of another.(*Cho.* 400-405)

In the Aeschylean world, there is a law of *dikē*, not “justice” but “requit”, that wrongs done must have their revenge, “the doer must pay”.<sup>115</sup> ‘The doer suffers’, then, is a repeated pattern of tragic action that structures the narrative of the *Oresteia*. Agamemnon sacrifices Iphigenia, which invokes the revenge of Clytemnestra.

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<sup>114</sup> Cf. Garvie 1986, 125 for more similar examples before Aeschylus.

<sup>115</sup> Simon Goldhill identifies *dikē* as “one of the most important and pervasive words of fifth-century Greek. Its range of sense runs from abstract ideas of justice or right, through retribution, punishment to the particular legal senses of law-court and law-case”. Goldhill 2004, 28. In the *Oresteia*, the word *dikē* refers to “retribution” in most cases.

Clytemnestra and Aegisthus murders Agamemnon, which invokes the revenge of Orestes. Orestes slays his mother, Clytemnestra, which invokes the revenge of the Furies. In punishing a wrong doing, Agamemnon, Clytemnestra, Orestes, each commits a wrong, and thus becomes the hunter hunted, the sacrificer sacrificed, the punisher punished. Each, too, recognizes the tragic dilemma that leads to such inevitable transgression. The retributive principle that homicide is answered by homicide is central to the plotting of the *Oresteia*, and also is crucial to our understanding of Aeschylus' inherited responsibility. No one is absolutely innocent. They are driven by the curse and the divine law of retribution to avenge their loved ones. By reason of this, Timothy Gantz' lengthy discussion of the options that Agamemnon should have had is not indispensable. For, the retributive justice is self-perpetuating and self-defeating, and activates a linked sequence of events. In these successive events, each one is propelled by necessity, whether out of divine will or out of social stricture that all abide by, to take the responsibility of previous family faults.

#### 5. Paradox of Justice and Destruction

In the narration of the previous murders of the House, Aegisthus at the end of the *Agamemnon* does not mention his father Thyestes' adultery with Atreus' wife that ignites the hatred of the House of Atreus. It may be possibly because that revenge is just a pretext aiming for the heritage of Orestes, i.e., the throne of Argos.<sup>116</sup> But

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<sup>116</sup> Fiona McHardy reminds us to notice other versions of the myth. "In one version of the myth, Aegisthus kills Ateus and returns power to Thyestes (Hyginus Gab. 88)". "In another version, Aegisthus is saved when his brother are killed and returns from exile to kill Atreus' son, Agamemnon. He takes control of the land with Agamemnon's wife Clytemnestra (Aeschylus Ag. 1497-504; Euripides El. 8-10)." Mchardy 2008, 106. Aeschylus' treatment of this familiar myth emphasizes the causal relationship among those revenges, which is a sure sign of the power of the curse.

judging from the atmosphere of the trilogy, we have reasons to believe that he is also propelled by the necessity of revenge to kill Agamemnon, just as Atreus' cooking of his nephews, Clytemnestra' assassination of Agamemnon and Orestes' killing of Aegisthus and his mother. Each side claims that their action is as just as it observes the law (θέσμιον) of blood for blood. Each one is also drive by the inherited obligation that is required by the law to revenge, the law that that balances actions and suffering. And that's why we do not see any trace of Hamletian hesitation and procrastination in their actions. In consequence, one man's justice is another man's crime and each man's actions triggers another successive chain of revenge.

Hegel in his *Phenomenology of Spirit* uses Sophocles' Antigone as an example to articulate his concept of Greek tragedy that at the center of the greatest tragedies of Aeschylus and Sophocles we find not a tragic hero but a tragic collision, and that the conflict is not between good and evil but between one-side positions, each of which embodies some good. What is perceived by Hegel in the *Phenomenology of Spirit* in the opposition between Antigone and Creon are two equally legitimate and inseparable aspects of what he calls the same "ethical substance": on the one hand, unconscious, immediate, individual spirit (nature, family, and the "unwritten laws"); on the other, self-conscious, mediated (reflective), and universal spirit (the state and its written laws). Aeschylus' the *Oresteia* trilogy is also a perfect example of the Hegelian tragic conflicts, in which inherited responsibility plays an important role. As we have seen in the analysis above, each man/woman is driven by the law "drops of blood spilled on the ground demand yet more blood (ἀλλὰ νόμος μὲν φονίας σταγόνας χυμένας ἐς πέδον ἄλλο προσαιτεῖν αἶμα. *Cho.* 400-403)". In Hegelian terms, the inherited responsibility to revenge is the unconscious, immediate and individual.

But each side fails to see the right of the other side, as Aegisthus does not see his father's adultery with Atreus' wife and Orestes does not see the Atreus' cooking of his nephews. Thus Hegel writes: "Since it sees right only on its own side, and wrong on the other, so, of these two, that which belongs to divine law detects, on the other side, mere arbitrary fortuitous violence, while what appertains to human law finds in the other the obstinacy and disobedience of subjective self-sufficiency".<sup>117</sup> Each side negates the very substance of what the other side tries to defend. In other words, the man-slaughter initiated by Atreus is doomed to be avenged by the descendants of Thyestes, and the their revenges will be inevitably continued by the descendants of Atreus. The conflict of both sides will end, inevitably, in the form of the self-destruction, which is expressed as "destiny" by Hegel that "it is in the equal subjection of both sides that absolute right is first accomplished, and the ethical substance, as the negative force devouring both sides, in other words, omnipotent and righteous Destiny, makes its appearance".<sup>118</sup> This brings us to the last play of the trilogy the *Eumenides*.

Aeschylus' rendering of the tale in the *Oresteia* trilogy is often understood as an examination of the role of blood revenge and feuding in early Greek society and its replacement with justice through the establishment of legal procedures at Athens. Let's do a brief review of the major incidents in the first two plays. In the *Agamemnon*, the murderous Clytemnestra claims that she is driven by the savage spirit of revenge to commit the assassination. Aegisthus declares over Agamemnon's body that it is a brilliant day for vengeance (*Ag.* 1530, 1605-6). The "black, impure,

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<sup>117</sup> Hegel, 486.

<sup>118</sup> Hegel, 492-3.

unholy” Agamemnon’s death in the bath emphasizes the purifying element of the act, but that “the bath swirls read (*Ag.* 218, 1131)” indicates the new pollution that they have incurred. And the nurse painfully admits the the utter ruin of house predetermined by the curse. In the *Libation Bearers*, while the chorus optimistically equates justice and vengeance, Orestes is immediately aware that his victory in killing his mother is soiled so that he would rather die childless (*Cho.* 1017). In the *Eumenides* the intervention of Athena ends in the infinite circle in which “each charge meets counter-charge (1588)” by establishing in her law court the first trial of bloodshed (*Eum.* 695) and reassigning the Furies to a new role as guardian spirits of Athens. The furious become the kindly ones, which redefines the concept of justice.

In his celebration of the democratic advances of fifth century BCE Athens, Aeschylus is to some extent prophetic, in that, as the classical scholar Robert Parker writes in his study *Miasma*, the cultural preoccupation with murder-pollution did indeed recede as the new legal system took hold.<sup>119</sup> By the fourth century BCE, Parker writes, murder-pollution had outlived its utility, and the function of purification had been taken over by the legal process.<sup>120</sup> This establishment of the legal process marks the end of the inheriting of the family crimes and feuds. Lattimore observes that the myth’s resolution “merges into the history of civilization at Athens, which represents in fact the world’s progress”<sup>121</sup>. While Fagles and Stanford write of “an Athens radiant with civic faith and justice”, and of the trilogy as

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<sup>119</sup> Parker 1983, 42.

<sup>120</sup> Parker 1983, 43.

<sup>121</sup> Lattimore 1991, Introduction 2.

“our rite of passage from savagery to civilization”<sup>122</sup> In Aeschylus, the curse on the house of Atreus, the law of revenge and the principle of inherited responsibility represent the savage manner to solve strifes, especially the ones among blood-related houses, before the establishment of a system of public justice. Once the Furies are assigned to be a constructive force of vigilance in Athens. The cycle of murder, hence the inherited responsibility to be avenged and to revenge, is put to an end with the laid foundation for future litigation.

For Hegel, our bond with nature and with those who share our blood is the immediate and unconscious substance of our ethical life, the soil from which ethical relations grow. In Aeschylus, the very urge to revenge is the most immediate and unconscious for humans. But this substance becomes conscious of itself, reflects on itself, and rise above the level of the particular (one’s own kins, the House of Atreus and the House of Thyestes in the *Oresteia*) to the level of the universal (all citizens, i.e., new system of court trial for justice in the *Oresteia*) only in and through the explicit enactment of laws and the formation of the city. Hegel expresses as follows the way in which the two aspects are inseparable: “Neither of the two is alone self-complete. Human law as a living and active principle proceeds from the divine, the law holding on earth from that of the nether world, the conscious from the unconscious, mediation from immediacy; and returns too whence it came. The power of the nether world, on the other hand, finds its realization upon earth; it comes through consciousness to have existence and efficacy.”<sup>123</sup> The final transformation of the Erinyes into the guarding spirit of justice announces the closure of inherited

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<sup>122</sup> Fagles and Stanford 1979, 16, 20.

<sup>123</sup> Hegel, 478-479.

responsibility and anticipates the birth of the new Hegelian phase of human development.

## CHAPTER FOUR

### Social Organization and Policing: Collective Punishment in Early China

This chapter will primarily deal with the debates on the use of collective punishment, a form of inherited responsibility in my understanding, initiated in the *Shangshu* 尚書. By analyzing the exact meaning of *yuzenuluru* 予則孥戮汝 in a historical context, I further use the story of the appointment of Caizhong 蔡仲 whose father has committed a vicious crime against the state, to show the general attitudes towards the use of collective punishment. As a matter of fact, as I will show in this chapter, the collective punishment is a very important aspect of the notion that ancestral merits and evil could be passed down through descent, which has already become an essential part of family culture in early China judging from some sections from the *Zuozhuan* 左傳. From there, I will continue to social basis for collective punishment and argue that from the times of *Guanzhong* 管仲 and *Hanfeizi* 韓非子, collective punishment started to function as an effective tool of surveillance, which could be supported by the remnants of *Qin* laws.

#### 1. Philological Debates Over “予則孥戮汝”

The earliest documented evidence of collective punishment in China is generally agreed to appear in the *Shangshu* 尚書.<sup>124</sup> In a similar occasion of swearing in front

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<sup>124</sup> Scholars have conflicting opinions on the authenticity of this passage. But it is important to notice that the exact phrase was seen in Sima Qian's *shiji* (Histories, 史记), which could be a sign of its relative authenticity compared to other interpolations in the *Shangshu*. And, even if this passage was forged by later authors, its history of interpretation was still solid enough for its importance for this dissertation.



of the battlefield to Iliad book 3.264-275<sup>125</sup>, the king summons the six hosts qin 卿 to spur them into a brave fight while justifying the action of a battle Gan 甘 against the hubristic ruler-ship of Hu 扈. He threatens the subjects that if they follow the orders, they will receive due rewards, but if they fail to obey, they, their wives and children will be slaughtered. The same 孥戮汝 also appears in the Speech of Tang 湯誓.

大戰於甘，乃召六卿。王曰：「嗟！六事之人，予誓告汝：有扈氏威侮五行，怠棄三正，天用剿絕其命，今予惟恭行天之罰。左不攻於左，汝不恭命；右不攻於右，汝不恭命；禦非其馬之正，汝不恭命。用命，賞於祖；弗用命，戮於社，予則孥戮汝。」

There was a great battle at Kan. (Previous to it), the king called together the six nobles, (the leaders of his six hosts), And said, 'Ah!

<sup>125</sup> The oath sworn by the Greek and the Trojans to make a peace treaty is in Iliad book 3, which is discussed in detail in chapter 1. Their oath runs as follows: Zeus, most glorious, most great, and ye other immortal gods, which host soever of the twain shall be first to work harm in defiance of the oaths, may their brains be thus poured forth upon the ground even as this wine, theirs and their children's; and may their wives be made slaves to others. ('Ζεῦ κούδιστε μέγιστε καὶ ἀθάνατοι θεοὶ ἄλλου/ὀππότεροι πρότεροι ὑπὲρ ὄρκια πημήνειαν/ὠδέ σφ' ἐγκέφαλος χαμάδις ῥέοι ὡς ὄδε οἶνος/αὐτῶν καὶ τεκέων, ἄλοχοι δ' ἄλλοισι δαμεῖεν. Iliad 3. 299-301). Almost the same content could be found in the oaths sworn between states in the Eastern Zhou period. It is recorded in the *Zuozhuan*, in the 28<sup>th</sup> year of Duke Xi, a ceremony of swearing oath by the marquises of all states under the supervision of Wang Zihu 王子虎 was held. The oath reads: We will all assist the royal House, and do no harm to one another. If any one transgress this covenant, may the intelligent Spirits destroy him, so that he shall lose his people and not be able to possess his State, and, to the remotest posterity, let him have no descendant old or young! (皆獎王室，無相害也。有渝此盟，明神殛之，俾隊其師，無克祚國，及而玄孫，無有老幼)。 Similar complete oaths could also be found in the 12<sup>th</sup> year of Duke Cheng, the 9<sup>th</sup> and 11<sup>th</sup> year of Duke Xiang, the 10<sup>th</sup> year of Duke Ding. Only parts of the oath exist in the 9<sup>th</sup>, 18<sup>th</sup> and 26<sup>th</sup> year of Duke Xi, the 15<sup>th</sup> year of Duke Xuan, the 19<sup>th</sup> year of Duke Xiang, the 11<sup>th</sup> year of Duke Zhao, the 1<sup>st</sup> year of Duke Ding and the 26<sup>th</sup> year of Duke Ai. The oath is also attested by archaeological discovery. On the jade sacrificial tablets excavated in Wenxian 溫縣 Henan 河南 Province in the 1930s, 1940s, and 1980s, and in Houmaxian 侯馬縣 Shanxi 山西 Province in 1966 were written by brush pen with the words “麻夷非是 (see the transcription at the end of this chapter)”. According to Guo Moruo's interpretation, this phrase, which is equivalent to “靡夷匪是” means that “no one is left to be happy”. Later in 1977, he accepted Zhu Dexi 朱德熙 and Qiu Xigui's 裘錫圭 interpretation that the phrase should be read “昧雉彼視”, or in common classical Chinese “滅夷彼氏”, which means clan extermination. See Henansheng wenwu yanjiusuo 河南省文物研究所, henansheng wenxian dongzhou mengshi yizhi fajue jianbao 河南溫縣東周盟誓遺址一號坎發掘簡報, wenwu 文物, 1983.4, pp.78-89; Guo Moruo 郭沫若, 侯馬盟書試探 houma mengshu shitan, wenwu 文物, 1966, pp.4-6; Guo Moruo 郭沫若, 出土文物二三事 chutu wenwu ersanshi, wenwu 文物, 1972, pp.1-10; Zhu Dexi 朱德熙, Qiu Xigui 裘錫圭, zhanguo wenzi yanjiu (liuzhong) 戰國文字研究 (六種), kaogu xuebao 考古學報, 1972, pp.73-74.

all ye who are engaged in my six hosts, I have a solemn announcement to make to you. The lord of Hu wildly wastes and despises the five elements (that regulate the seasons), and has idly abandoned the three acknowledged commencements of the year. On this account Heaven is about to destroy him, and bring to an end his appointment (to Hu); and I am now reverently executing the punishment appointed by Heaven. If you, (the archers) on the left, do not do your work on the left, it will be a disregard of my orders. If you, (the spearmen) on the right, do not do your work on the right, it will be a disregard of my orders. If you, charioteers, do not observe the rules for the management of your horses, it will be a disregard of my orders. You who obey my orders, shall be rewarded before (the spirits of) my ancestors; and you who disobey my orders, shall be put to death before the altar of the spirits of the land, and I will also put to death your children.<sup>126</sup>

Scholars have debated whether the punishment has truly existed regarding the importance of *Shangshu* as one of the Confucian classics that is considered to have preserved the lost moral perfections and social values of the three dynasties of the upper antiquity (*shanggusandai* 上古三代). The scholars since Han Dynasty till today had a heated discussion over this phrase basing on the tradition of philology. Before I list the major opinions about this line, I shall acquaint my readers briefly with two textual traditions. *Kaicheng shijing* 開成石經 is the most complete version of the *Shangshu* and nearly all versions since the *kaicheng shijing* is based on the stone-carved classics, including today's most common one published by the Zhonghua Shuju 中華書局. This line in these versions all read 予則孥戮汝. The Han texts vary, however. The quotations of this line in *Xia benji* 夏本紀 and *yin benji* 殷本紀 of *Shiji* 史記 read 予則帑僇汝. This line in *Hanshu* 漢書 reads 予則奴戮女. I now categorize the major interpretations of this phrase in Chinese history below.

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<sup>126</sup> Shisanjing zhushu, 2007, 258-259; Legge, 1899, 76-77.

1. Zheng zhong 鄭眾, Jiang sheng 江聲, Sun Xingyan 孫興衍. Zheng zhong understands 奴 as the “slaves, or the guilty”. 奴 and 戮 are interpreted as two ways of punishment. 奴 signifies the penalty to reduce people into slaves. 戮 signifies the penalty to slaughter those who are guilty.<sup>127</sup> Jiang Sheng agrees with Zheng Zhong in that 奴 means to reduce the people who disobey into slaves. He believes that punitive measures are comparatively mild in Xia dynasty and it is impossible to imagine that the so-called Golden Age (Three Dynasties of Upper Antiquity, 上古三代) by the Confucian disciples has such savage penalty. Sun Xingyan does not believe the existence of collective punishment neither. He dates the emergence of collective punishment back to Qin Shihuang 秦始皇, which is obviously false based on the documents we have.<sup>128</sup>

2. Zheng Xuan 鄭玄, Kong Anguo 孔安國, Kong Yingda 孔穎達, Cai Shen 蔡沈. Zheng Xuan understands in the sense of collective punishment. Penalty does not simply relate to the criminal himself, but also to his descendants to come (大罪不止其身, 又奴戮其子孫). 奴 in Zheng Xuan is understood differently from Zheng Zhong. He takes it as a word that should be understood in its extended meaning, which is children in this case.<sup>129</sup> Kong Anguo shares the similar idea. In him, 孥 means children, and the penalty does not apply to the criminal only but extends to the descendants. The humiliation accumulates (孥, 子也, 非但止汝身, 辱及汝子, 言恥累也). But he differs from Zheng Xuan in defending the belief that there is no

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<sup>127</sup> Shisanjing zhushu, 2007, 258-259.

<sup>128</sup> Sun Xingyan, 1986, 78.

<sup>129</sup> Shisanjing zhushu, 2007, 258-259.

collective punishment in the ancient times when it comes to the penalty of criminals. He adds that it functions only as a verbal threat to force people obey the orders. Kong Yingda quotes the lines in the 20<sup>th</sup> year of Duke Zhao in *Zuozhuan* 左傳 that “it is said in the *kanggao* 康誥 that there is no implication among fathers and sons, elder brothers and younger brothers. This is the principle they used in the ancient times. If the penalty is not sufficient to compensate the crime, there is no way that the children should be killed. Collective punishment is just a threat to make people avoid committing crimes.”<sup>130</sup> Kong Yingda also makes the remarks the reason why he chooses to comment on the line in *Tangshi* 湯誓 rather than *Ganshi* 甘誓 although the phrase appears in both of them. His explanation is that Qi 啟 inherited the punitive systems of Shun 舜 and Yu 禹, the two benevolent sage-kings and the punitive system is not severe. Since Yin 殷 and Zhou 周, there is collective punishment. Thus, slaughter of the children of the criminals may have actually existed, in the opinion of Kong Yingda.<sup>131</sup> Cai Shen interprets 孥 as children and wives, and interprets 劓 as “to slaughter” instead of “to reduce into slaves”. His reasons are that “in one sentence it is unusual for one character to mean two different meanings”. Secondly, war is a serious matter. Without ferocious threat, it is hard to achieve victory.<sup>132</sup>

To sum up, 孥劓/帑劓/奴劓 is understood in three different ways mainly in the history of its interpretation: to reduce into slaves and kill; to make descendants objects

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<sup>130</sup> Shisanjing zhushu, 2007, 259-250.

<sup>131</sup> Shisanjing zhushu, 2007, 259-259.

<sup>132</sup> Cai Shen, 2017, 28.

of humiliation; to kill the wives and the children. In whatever sense that is mentioned above, this phrase is a clear sign of collective punishment. In order to further clarify the exact meaning of this phrase, I will try to decipher it with the tool of traditional Chinese philology. Duan Yucai 段玉裁 offers us a historical survey about the use of 奴, 孥 and 帑, which is of great help in understanding the original meaning of this line. His conclusion is that: before Han Dynasty, including it, the words for slaves or concubines are 奴婢, 妻奴, and that's why Zheng Zhong and Ban Gu use 奴; 奴 should be the original character in that phrase; the meaning of 帑 is children, which could be tested by the commentary for Shijing 詩經; 帑 is the borrowed word for 奴, and 孥 is the vernacular version of 帑; all of these three characters are synonymous with the meaning of children, which is derived from 奴 signifying the children of the slaves. Additionally, contextually speaking, if the line 戮於社 that precedes the phrase means that I will slaughter you before the altar of the spirits of the land, it is odd to speculate that the phrase 予則孥戮汝 means that I will reduce you to slaves or slaughter you with regard to 則, which strengthens the tone of a further action.<sup>133</sup>

Etymologically, *Shuowen Jiezi* 說文解字, for instance, interprets the character of 奴 that “males slaves and female slaves are all guilty people in ancient times” and the meaning extends to all the people who are of lower social status.<sup>134</sup> According to this interpretation, it should be correct to define 奴 wives and children, since, socially speaking, a son is in a lower position than his father, and a wife is lower position than

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<sup>133</sup> Shuowen jiezi, 1963,

<sup>134</sup> Duan Yucai, 2002, siliu 四六, jingbu 經部, shulei 書類.

his husband in a traditional Chinese family. Furthermore, the meaning of descendants could also be attested by various texts of early China. For instance, *Maozhuan* 毛傳 understands the character 帑 as in 樂爾妻帑 in *Shijing* 詩經 wife and children. In the chapter Zhengyu of Guoyu (《國語·鄭語》), the line 寄孥與賄焉 is annotated by Wei Zhao 韋昭 to mean “to take care of wife and children”. It is also worthwhile to notice that the word 奴 is employed when it refers to its original meaning slave, but when its extended meaning of wife and children is alluded, on most occasions in the early China texts, 帑/孥 is normally used instead of 奴. But we are not able to rule out exceptions since there is no standard writing system that everybody abides by back then.

To sum up, it should be clear now that the phrase 予則孥戮汝 means that your wives and children should also be slaughtered. As for the purpose of using this phrase, scholars in ancient China mostly incline to deem it as a verbal threat in order to defend the Confucian belief of the existence of three dynasties of perfect ruling by the sage-kings. We have mentioned it earlier that the phrase 予則孥戮汝 appears twice in the *Shangshu*. Its second appearance is in Speech of *Tang* 湯誓. These two speeches are both delivered right before vital battles that aim to destroy the evil ruler-ship and to start a new government. And these speeches might be sworn together by the king and the generals like an oath, so the thrilling threat may be just a verbal demonstration of their determination. With regard to these hints, we have reasons to accept the defense made by the Confucian scholars. But are there other traces of collective punishment in the *Shangshu*?

## 2. Arguments about the Justification to Kill Descendants

As a matter of fact, in the first book of *Shangshu*, *yushu* 虞書, there records Gao Tao's in the consulting conversations among Shun 舜, Bo Yi 伯益 and Gao Tao 皋陶 on how to rule wisely. Gao Tao serves as a minister of legislation. Here are the principles he laid for rewarding and punishing.

皋陶曰：「帝德罔愆，臨下以簡，禦眾以寬；罰弗及嗣，賞延於世。宥過無大，刑故無小；罪疑惟輕，功疑惟重；與其殺不辜，寧失不經；好生之德，洽於民心，茲用不犯於有司。」

Gao-Yao replied, 'Your virtue, O Di, is faultless. You condescend to your ministers with a kindly ease; you preside over the multitudes with a generous forbearance. Punishments do not extend to (the criminal's) heirs, while rewards reach to (succeeding) generations. You pardon inadvertent faults, however great, and punish purposed crimes, however small. In cases of doubtful crimes, you deal with them lightly; in cases of doubtful merit, you prefer the high estimation. Rather than put an innocent person to death, you will run the risk of irregularity and error. This life-loving virtue has penetrated the minds of the people, and this is why they do not render themselves liable to be punished by your officers.'<sup>135</sup>

This passage is considered to be the guiding principle of making laws in later ages in ancient China. It is made manifest that no collective punishment is ever allowed in a good legal system. Punishments should not be imposed on the innocent descendants. Rewards for ancestral merits should last, however. And more importantly, the modern legal principle of not wronging the innocent has already been emphasized. Zhou 紂's violation of these principles is also taken by Zhou Wuwang 周武王 as an excuse to make a campaign against him.

“沈湎冒色，敢行暴虐，罪人以族，官人以世”

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<sup>135</sup> Shisanjing zhushu, *Shangshu zhengyi*, 2007, 188; *Shangshu zhengyi*, Legge, 1899, 211.

Abandoned to drunkenness and reckless in lust, he has dared to exercise cruel oppression. He has extended the punishment of offenders to all their relatives. He has put men into offices on the hereditary principle.<sup>136</sup>

We are not able to know what *zu* 族 precisely means under this context except when we have new archaeological discoveries or excavated texts. According to the commentary made by Kong Anguo 孔安國, *zu* here encompasses three groups of people, which are his parents, himself, his wives and his children. But we should also bear in mind that the idea of *sanzu* 三族 does not emerge until the time of the state of Qin 秦. This being the case, however, it is reasonable for us to deduce *zu* in this text should not exclude at least wife and children. If Shun 舜, the mythological sage-king, lays out the legal principles of rewards and punishments, and collective punishment is deemed as savage, why would Qi 啟 and Yiyin 伊尹 make such bold threats to their subjects? It is hard for us to know. One possibility is that the threat is just verbal, but anyhow, collective punishment does exist, although it is generally considered to be brutal by the earlier sages and their later followers.

There is another section in the *Shangshu* that should attract our attention when it comes to the discussion of collective punishment. I quote it below.

蔡叔既沒，王命蔡仲，踐諸侯位，作《蔡仲之命》。惟周公位塚宰，正百工，群叔流言。乃致辟管叔於商；囚蔡叔於郭鄰，以車七乘；降霍叔於庶人，三年不齒。蔡仲克庸只德，周公以為卿士。叔卒，乃命諸王邦之蔡。

Caishu passed away. The king (Zhou Chengwang, 周成王) appointed Caizhong and made the following declaration. When the duke, of Zhou was in the place of prime minister and directed all the officers, the (king's) uncles spread abroad an (evil) report, in consequence of which (the duke) put to death the prince of Guan in

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<sup>136</sup> Shisanjing zhushu, *Shangshu zhengyi*, 2007, 188; *Shangshu zhengyi*, Legge, 1899, 211.



Shang; confined the prince of Cai in Guo-lin, with an attendance of seven chariots; and reduced the prince of Huo to be a private man, causing his name to be erased from the registers for three years. The son of the prince of Cai having displayed a reverent virtue, the duke of Zhou made him a high minister, and when his father died, requested a decree from the king, investing him with the country of Cai.<sup>137</sup>

A brief background information of the story should greatly help us in understanding its relevance to our present topic. Zhou Wuwang 周武王 destroyed Shang Dynasty and established his own government on the land of Shang. In order to better rule the land, he divided the land into four areas and distributed them to four men. The original capital of Shang, Chaoge 朝歌, was allocated to the defeated king Zhou's 紂 son Wugeng 武庚. The land west of Chaoge was assigned to Zhou Wenwang's fifth son, also the little brother of Zhou Wuwang Cai Shudu 蔡叔. When Zhou Wuwang, the founder of the Western Zhou 西周, died, the throne was passed down to his son Zhou Chengwang. But the king was still at a very young age, so Zhou Gongdan 周公旦 was actually in charge of state matters. Guan 管 and Cai 蔡 suspected that Zhou Gongdan was planning to usurp the throne, so they started a mutiny. It took Zhou Gongdan three years to put down the rebellion and jailed Guan, Cai and Huo, whose names were mentioned in the declaration quoted above in the *Shangshu*.<sup>138</sup> But the whole point of the declaration is not to list the evil deeds of those three men, but to commemorate that the son of Cai received the position which used to belong to his father. If we take a brief look at the titles of the chapters in *Shangshu*, we should understand clearly that most of them are about major state

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<sup>137</sup> Shisanjing zhushu, *Shangshu zhengyi*, 2007, 188; *Shangshu zhengyi*, Legge, 1899, 211.

<sup>138</sup> This story is also recorded in Sima Qian's Histories: 武王既崩，成王少，周公旦專王室。管叔、蔡叔疑周公之為不利於成王，乃挾武庚以作亂。周公旦承成王命伐誅武庚，殺管叔，而放蔡叔。

affairs, such as a king's speech to the people, the principles of ruling justly, the sworn oath before a battle, etc. Why is the appointment of a local governor so important? Several things should explain. First of all, Cai Shudu is Zhou Wuwang and Zhou Gongdan's younger brother and Zhou Chengwang's uncle. His relation with the family and his crime of treason makes him and his son a focus. Second of all, forgiveness of such a felony would strongly demonstrate Zhou Gongdan's benevolence towards people, although it may be just a political show. But on the other hand, it is natural for us to deduce that normally the sons of the criminals in a treason are also punished. The Tang 唐 Confucian scholar and commentator Kong Yingda has interesting interpretations. He points out that it is a traditional law that the penalty of fathers, sons and brother should not reach each other. The father died, the son still got appointed, and the penalty does not reach to the descendants of the criminal (父卒命子，罪不相及). Then he adds that Cai must have not played an active part in the rebellion since he still remains alive. If a man commits a capital felony, he should be exterminated (若父有大罪，罪當絕滅) and his name should be erased. Furthermore, he raises his doubt about Guan Shu, who is Zhou Wuwang's younger brother and Zhou Gongdan's elder brother.<sup>139</sup> He participated in the mutiny and was killed. Interestingly, his sons were never mentioned. We have reasons to suspect that the written record has intentionally omitted some records that are not to the advantage of the reputation of Zhou Gongdan as a sage-king. On the other hand, the fact that the son of Cai Shu should suffer from some punishment makes the forgiveness of Zhou

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<sup>139</sup> Shisanjing zhushu, *Shangshu zhengyi*, 2007, 189; *Shangshu zhengyi*, Legge, 1899, 212.

Gongdan much more illuminating. But Cai Shu's son does not take the position without being warned.

王若曰：「小子胡，惟爾率德改行，克慎厥猷，肆予命爾侯於東土。往即乃封，敬哉！爾尚蓋前人之愆，惟忠惟孝；爾乃邁跡自身，克勤無怠，以垂憲乃後；率乃祖文王之遺訓，無若爾考之違王命。皇天無親，惟德是輔。民心無常，惟惠之懷。為善不同，同歸於治；為惡不同，同歸於亂。爾其戒哉！慎厥初，惟厥終，終以不困；不惟厥終，終以困窮。懋乃攸績，睦乃四鄰，以蕃王室，以和兄弟，康濟小民。率自中，無作聰明亂舊章。詳乃視聽，罔以側言改厥度。則予一人汝嘉。」王曰：「嗚呼！小子胡，汝往哉！無荒棄朕命！」

The king speaks to this effect: "My little child, Hu, you follow the virtue (of our ancestors), and have changed from the conduct (of your father); you are able to take heed to your ways; I therefore appoint you to be a marquis in the east. Go to your fief, and be reverent! In order that you may cover the faults of your father, be loyal, be filial. Urge on your steps in your own way, diligent and never idle, and so shall you hand down an example to your descendants. Follow the constant lessons of your grandfather king Wen, and be not, like your father, disobedient to the royal orders. Great Heaven has no partial affections; it helps only the virtuous. The people's hearts have no unchanging attachment; they cherish only the kind. Acts of goodness are different, but they contribute in common to good order. Acts of evil are different, but they contribute in common to disorder. Be cautious! In giving heed to the beginning think of the end;--the end will then be without distress. If you do not think of the end, it will be full of distress, even of the greatest. Exert yourself to achieve your proper merit. Seek to be in harmony with all your neighbours. Be a fence to the royal House. Live in amity with your brethren. Tranquillize and help the lower people. Follow the course of the Mean, and do not by aiming to be intelligent throw old statutes into confusion. Watch over what you see and hear, and do not for one-sided words deviate from the right rule. Then I, the One man, will praise you. The king says, "Oh! my little child, Hu, go, and do not idly throw away my charge."<sup>140</sup>

This is a harsh warning speech, even threatening. The rhetoric of the speech clearly shows that it is Cai Zhong's responsibility to cover the faults of his father. We should be reminded that Cai Shu's mutiny is targeted against Zhou Gongdan, but the whole

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<sup>140</sup> Shisanjing zhushu, *Shangshu zhengyi*, 2007, 189; *Shangshu zhengyi*, Legge, 1899, 212.

speech is about the impartiality of the great heaven, which leads its readers to think that it is heaven's will that the evil should be defeated and it is the king's grace that the son should be pardoned. The emphasis of Zhou Chengwang's pardon, on the other hand, vaguely reflects the existence of collective punishment in the times of Xia, Shang and Zhou.

Earlier, we mentioned the reiteration of the principle that a man's fault should not reach to his relatives in the *Kang Gao*. It is noteworthy that the *Kang Gao* is delivered by Zhou Chengwang right after he defeats the rebellion of Guan Shu and Cai Shu. After that, he appointed the Kangshu the governor of the conquered land of Yin 殷. Zhou Chengwang's speech not only reflects a consistent political tradition regarding collective punishment, but also reveals the attitudes of the Confucian compilers and commentators towards it. Mencius, for instance, greatly admires the government of Zhou Wenwang on the land of Qi 岐. One of reasons of his admiration is that the wives and children of criminals were not involved in their guilt (罪人不孥), which echoes the idea in *Yushu*. It is also the reason why later Confucian disciples think of ways to interpret 予則孥戮汝 in the best way possible and to defend the dignity of the so-called three dynasties of upper antiquity with the conclusion that there is no collective punishment in the ancient times.<sup>141</sup>

Ideal is not reality. There are some materials that could offer us more information on the matter of how to deal with the remaining conquered people of Yin. The earliest transcriber and commentator of *Shangshu*, Fu Sheng 伏勝, tells more than

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<sup>141</sup> When Confucian scholars say "the ancient times", the meaning of it is ambiguous and relative. But for the most of the time they mean shanggu sandai 上古三代, which according to modern historiography consists of Xia, Shang and Zhou.

we can get from the *Kanggao*. It is recorded in the *Shangshu Dazhuan* 尚書大傳 that Zhou Wuwang summoned Taigong 太公, Zhaogong 召公 and Zhougong 周公 to discuss how to treat the captives and the remaining yin people. Taigong replied that if you like a person, you like the magpie on the roof of his house, but if you dislike a person, you dislike everything that is associated with him. In other words, if we decide to destroy Zhou, we should destroy everyone under his rule. This suggestion was rejected. Zhaogong's suggestion is to kill the guilty and keep the innocent. It was also rejected. In the end, Zhou Wuwang accepted Zhougong's idea that they should be treated with benevolence so that they would also return the favor and see the king as a parent. This suggestion was accepted.<sup>142</sup> No matter how authentic this dialogue is, it shows us that the principle of no transmission of ancestral faults has not been established. It is only one of the options when it comes to punishments.

### 3. Collective Punishment and the Problem of Hereditary Evil and Merits

Collective punishment is criticized as a sign of brutal government by the Confucian moralists, but the idea that family members share honors and responsibilities is commonly accepted, like in the case of Cai Zhong. A person's merits are to be rewarded to his offspring and a person's faults will be revenged on his descendants.

This could also be attested by one notable story among many others in the *Zuozhuan*

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<sup>142</sup> 紂死，武王皇皇若天下之未定，召太公而問曰：入殷奈何？太公曰：臣聞之也，愛人者兼其屋上之烏，不愛人者及其胥餘，(註)胥餘，裏落之壁。何如？武王曰：不可。召公趨而進曰：臣聞之也，有罪者殺，無罪者活，鹹劉厥敵，毋使有餘烈，何如？武王曰：不可。周公趨而進曰：臣聞之也，各安其宅，各田其田，毋故毋私，惟仁之親武王入殷，周公曰：各安其宅，各田其田，無故無新，惟仁之親，何如？武王曠乎若天下之已定，遂入殷，封比幹之墓，表商容之間，發鉅橋之粟，散鹿臺之財，歸傾宮之女，而民知方，曰：王之於仁人也，死者封其墓，況於生者乎！王之於賢人也，亡者表其間，況於在者乎！王之於財也，聚者散之，況於復藉乎！王之於色也，在者歸其父母，況於復征乎！ This dialogue also appears in Liuxian's 劉向 *Shuoyuan* 說苑.

左傳,Duke Xiang 襄公, year 14<sup>th</sup>. For the sake of a clearer discussion, I put down the family trees of the two houses involved in the story below.

House of Fan: Shiyao 士蔦→Shihui 士會 (Fanwuzi, 範武子) →Shixie 士燮 (Fanwenzi, 範文子)→Shihong 士匄 (Fanxuanzi, 範宣子)→Shiyang 士鞅 (Fanxianzi, 範獻子)

House of Luan: Luanzhi 樂枝 (Luanzhenzi, 樂貞子) →Luandun 樂盾 →luanshu 樂書 (Luanwuzi, 樂武子) →Luanyan 樂驥 (Luanhengzi, 樂桓子) →Luanying 樂盈 (Luanhuaizi, 樂懷子)

It is recorded in the *Zuozhuan* that in the year 559 B.C., the state of Jin 晉 make an expedition along with 13 other smaller states against Qin 秦. Before one important attack, the younger brother of Luanyan Luanzhen 樂針 and the son of Shihong Shiyang ambushed the army of Qin. Luanzhen died in the fight but Shiyang survived. Luanyan was furious, suspecting that Shiyang killed his younger brother intentionally. He insisted that Shiyang should be exiled to Qin. Due to the quarrel between the two noble houses, the ally had to retreat. During Shiyang's exile in Qin, he was asked by Qin Jingong 秦景公 which of the noble houses should perish first. Shiyang replied that it should be the house of Luan by giving the following explanation:

然，樂驥汰虐已甚，猶可以免，其在盈乎，秦伯曰，何故，對曰，武子之德在民，如周人之思召公焉，愛其甘棠，況其子乎，樂驥死，盈之善未能及人，武子所施沒矣，而驥之怨實章，將於是乎在，秦伯以為知言，為之請於晉而複之。

"Yes," was the reply. "The arrogance and violence of Luan Yan are extreme, but still he may escape an evil end. The thing will happen to Ying." "Why so?" pursued the earl. Yang answered, "The

good offices of Wuzi (Yan's father) to the people [have made them think of them] as the people of Zhou thought of the duke of Shao. If they loved the sweet pear tree [of the duke], how much more must the people now regard the son [of Wuzi]! When Luan Yan dies, and the goodness of Ying does not extend to the people, the favours of Wuzi will be forgotten, and the wrongs done by Yan will be clearly seen, and then the doom will come." The earl was impressed with the wisdom of his remarks, appealed in his behalf to Jin, and got him restored to that State.<sup>143</sup>

In the end, the people of *Jin* defeated Luanying at *Quwo* 曲沃, and wiped out his clans and associates (晉人克欒盈於曲沃，盡殺欒氏之族黨<sup>144</sup>). The arrogance and violence of Luanyan is not revenged on himself but on his son, which is a clear sign of association of honors and humiliation within a family 族. Speaking about *zu*, it generally refers to two groups of people. Its first connotation is similar to the Roman gens, which is a family consisting of all those individuals who shared the same nomen and claimed descent from a common ancestor. A branch of a gens was called a *stirps*. The second connotation is more specific. It refers to a powerful house in politics and its direct relatives who carry the same last name. In the most circumstances of clan extermination 滅族, it is normally used in the latter sense. This reminds us to understand the connotation of *shi* 氏 or 族 *zu* from a perspective different from our modern one. In the times of Chunqiu and Zhanguo, even in the whole history of ancient China, *jiazu* 家族 is never a private existence. It is always associated with politics, so is everything that is dealt with within the family, such as marriage, both *qu* 娶 and *jia* 嫁.

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<sup>143</sup> Chunqiu *Zuozhuan* zhu, 1990, 288; Legge, 1861, 88.

<sup>144</sup> Chunqiu *Zuozhuan* zhu, *Shi San Jing Zhu Shu*, the 23<sup>rd</sup> year of Duke Xiang, 98, 1990.

Most of the clan exterminations recorded in the *Zuozhuan* are related with power struggle, military conquests or mutiny. It is used as a horrifying punishment to threat, or to maintain order. Death does make it a horrifying punishment, it's what is called immortality that makes people feel so. In a recorded conversation between Shusunbao 叔孫豹 and Fanxuanzi 範宣子 (mentioned earlier) in the 24<sup>th</sup> year of Duke Xiang in *Zuozhuan*, how to be buxiu 不朽 (free from decay) is the subject. Fanxuanzi traces his house to the remotest ancestor and takes pride in the fact that the noble house still continues:

若夫保姓受氏，以守宗祧，世不絕祀。

As to the preservation of the surname and the giving off clan branches, by which the ancestral temples are preserved, and the sacrifices continued without interruption from age to age.

The obsessions with being free from decay makes the penalty an intimidation. The practice of clan extermination exists at a state level in Xia, Shang, Western Zhou. It is not until the times of the state of Qin 秦 that collective punishment enters the legal codes for the commons, which will be my focus of part two.

#### 4. From Community to Surveillance: The Social Basis for Collective Punishment

Sima Qian dates the emergence of clan extermination as a penalty back to the 30<sup>th</sup> year of Qin Wengong 秦文公 (二十年，法初有三族之罪<sup>145</sup>) and it is generally agreed that the clan extermination officially becomes a legal practice during Shang Yang's 商鞅 reform, as is evidenced in Sima Qian's *Histories* that he organizes the population in the manner of *shiwu*, and make them co-responsible for each other's

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<sup>145</sup> Some scholars claim that extermination of three clans (三族之罪) started from Qin Wengong as a legal procedure, and before Qin Wengong, clan extermination was at the will of the supreme power. See Chen Naihua, 1989, 29.



faults; if someone fails to report a crime that he knows about, he would suffer the punishment of being cut into half at the waist; informers and enemy killers are rewarded alike; those covering crimes and surrendering are punished alike 令民為什伍，而相牧司連坐。不告奸者腰斬，告奸者與斬敵者同賞，匿奸者與降敵同罰。”<sup>146</sup>

But it is important to remember that the clan extermination as a penalty is based a social organization that connects people and puts people under shared responsibilities. The terms include *zu* (族,clan) and *shiwu* (什伍). I will talk about *shiwu* first. The most commonly accepted interpretation for this word is that *wu* means five households, including husband, wives and children. It could be supported by the bamboo writings excavated in *Shuihudi* 睡虎地. In *Falvwenda* 法律問答, it is asked what is called *silin* 四鄰 (four neighbors). It is answered that *silin* means *wuren* 伍人.<sup>147</sup> Judging from this, we should reasonably conclude that *wu* in the phrase *wuren* means five households that live in neighborhood. But the interpretation of *shi* in history is controversial. The most common understanding about *shi* is that it consists of ten households, just as *wu* consists of five households.

分國以為五鄉，鄉為之師。分鄉以為五州，州為之長。分州以為十裏，裏為之封。分裏以為十遊，遊為之宗。十家為什，五家為伍。什伍皆有長禹。

The country proper (*guo*) shall be divided into five rural districts (*xiang*) with each administered by a governor (*shi*). A rural district shall be divided into five sub-district (*zhou*) with each administered by a prefect (*zhang*). A sub-district shall be divided into ten villages (*li*) with each administered by a commandant (*wei*). A village shall be divided into ten circuits (*you*) with each administer by a clan elder

<sup>146</sup> Shiji, shangjun liezhuan, 1982, 782. Similar expressions could also be found in Weishu xingfazhi 《魏書·刑法志》 and Hanshu xingfazhi 《漢書·刑法志》.

<sup>147</sup> Hulsewé, 1985, 146.

(zong). Ten house households shall form a group of ten (shi), and five households shall form a group of five (wu). Both of these should have leaders.<sup>148</sup>

This is the source information for those who read *shi* as ten households. But this sort of rural organization is a not a new invention. Its earlier form could be found in the book of the *Zhouli* 周禮. On the division of the land, *Zhouli* sets up the principle that five households should be made a *bi* 比 so that they can protect each other; five *bi* should be made a *jian* 間 so that they can benefit from each other; four *jian* should be made a *zu* 族 so that they can help with the burial when someone dies; five *zu* should be made a *dang* 黨 so that they can save each other out of emergencies; five *dang* should be made a *zhou* 州 to make them amicable towards each other; five *zhou* should be made a *xiang* 鄉 to make them hospitable to each other.<sup>149</sup> The management of population has one end, which is to make people serviceable to each other. Shen Jiaben 沈家本 in his ground-breaking book on the history of criminal laws in China points out sharply that *xiangbao* (相保, mutual protection) does not mean what it means in the Qin state and Qin dynasty. The detailed plan for rural government has not been developed into a systematic political manipulation until its change of meaning in the hands of the legalists. It first started from Guan Zhong 管仲. As we have seen from the quotation above, Guan Zhong inherited the theory of local government organization in *Zhouli*, but his intentions were totally different. He suggested that the villages should be closed off with barricades and establish

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<sup>148</sup> Guanzi jiaozhu , 2009, 34; Guanzi, 104.

<sup>149</sup> *Zhouli zhengyi, diguan, dasitu*, 1987, 89. “令五家為比，使之相保。五比為間，使之相受。四間為族，使之相葬。五族為黨，使之相救。五黨為州，使之相朋。五州為鄉，使之相賓。”

gatekeepers to watch the entrance and exiting of strangers. All cases of leaving or entering at improper times, wearing improper clothing, or members of households or their retainers not conforming to the accepted norms shall be reported by the gatekeeper immediately, no matter what the time. If such irregularities involve the sons, younger brothers, male or female slaves, retainers or guests of the head of a household, the village commandant shall warn the clan elder of the circuit.<sup>150</sup> The clan elder shall in turn warn the leader of the group of ten or five who shall accordingly warn the head of the household. What's important is that it specifies different levels of collective punishment to maintain stability and to manipulate immigration.

凡過黨，其在家屬，及於長家；其在長家，及於什伍之長；其在什伍之長，及於遊宗；其在遊宗，及於裏封；其在裏封，及於州長；其在州長，及於鄉師；其在鄉師，及於士師。

In all cases where the participants in a crime are member of a household, collective responsibility shall extend to the head of the household. If the participants include the heads of households, collective responsibility shall extend to the leaders of the groups of ten and five. If the participants include these leaders, collective responsibility shall extend to the clan elder of the circuit. If the participants include clan elders, collective responsibility shall extend to the village commandant. If the participants include village commandants, collective responsibility shall extend to the sub-district prefect. If the participants include sub-district prefects, collective responsibility shall extend to the district governors, collective responsibility extends to the chief justice.<sup>151</sup>

From this, we should be able to find that the collective responsibility will extend only to the leaders, either of the households, or of the groups of ten and five, etc., but one principle has been laid down that when punishments are imposed, they shall not be applied to the guilty person alone, and when the rewards are granted, they shall not be

<sup>150</sup> Guanzi jiaozhu, 2009, 58 ;Guanzi, 13.8-13.12, 105.

<sup>151</sup> Guanzi jiaozhu, 2009, 89; Guanzi, 13.13-14, 106.

bestowed merely on the person credited with the achievement (罰有罪不獨及，賞有功不專與<sup>152</sup>). But on the other hand, it still preserves the values of mutual benefits as we read in Zhouli. In the chapter of *Xiao Kuang* 小匡, it is stressed that the people who live in the same wu should protect and love each other; to be more specific, they live and travel together, share same blessings and misfortunes, and help each other with the burials.<sup>153</sup> Here, I would like to remind my readers the reasons of the emphasis of mutual supports. The local government organization plan does not aim at the rich urban population, but the rural population who live far apart from each other. Because of their lack of means of life, they can easily be a threat to the social order. In this sense, Zhouli intends to join these people together for mutual supports, especially on the important matters, such as burials, marriage, etc. But Guan Zhong realized that another aspect of this sort of rural organization is to threaten people. It is used to the extreme by Shang Yang, who are believed to be the founding father of making collective responsibility a reality and an effective law to copy for later rulers. Shang Yang's believes that stern laws brings order.

守法守職之吏，有不行王法者，罪死不赦，刑及三族。

If amongst the officials who have to maintain the law and to uphold an office, there are those who do not carry out the king's law, they are guilty of death and should not be pardoned, but their punishment should be extended to their family for three generations.<sup>154</sup>

重刑連其罪，則民不敢試。

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<sup>152</sup> Guanzi jiaozhu, 2009, 89 ;Guanzi, 14.1, 106.

<sup>153</sup> 伍之人，人與人相保，家與家愛，少相居，長相遊，茶祀相福，死喪相恤，禍福相憂，居處相樂，行作相知，哭泣相哀。

<sup>154</sup> Shangjunshu zhuizhi, 1986, 85;Duyvendak, 2003, 276.

Therefore do I say that if there are severe penalties that extend to the whole family, people will not dare to try (how far they can go), and as they dare not try, no punishments will be necessary.<sup>155</sup>

The very purpose of Shang Yang's reforms on the system of rewards and punishment aims at making people scared of each other and distrust each other, since all are chained together. If we relate the original intention of the government organization, it is evident that Shang Yang totally abandons its spirit of mutual supports in the neighborhood but turns it into a tool of mutual surveillance. But such practice of collective punishment bases itself firmly on that social organization of rural populations, which is also made brutally clear by Han Fei 韓非 that whosoever denounces a criminal offence, is not held guilty but is given a reward; whosoever misses any culprit, is definitely censured and given the same penalty as the culprit. For Shang Yang, persuading a person not to wrong, whatever it means under a dictatorship, is not as effective as to make them scared by initiating horrifying punishment. One aspect of a good government, in his eyes, consists of the people's interests consistent with the kings. Thus, it is important that people should not hide anything. Collective punishment makes it threatening for those who conceal crimes, and the system of personal denunciation and mutual implication would greatly facilitate the ruler's manipulation on the behaviour of the people with the result that the minutest villainy is not tolerated. An orderly society is thus created.

故至治，夫妻交友不能相為棄惡蓋非，而不害於親，民人不能相為隱。

Therefore, in a condition of complete good government, husband and wife and friends cannot abandon each other's evil, cover up wrong-doing and not cause harm to relatives; nor can the men

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<sup>155</sup> Shangjunshu zhuizhi, 1986, 87; Duyvendak, 2003, 278.

from the people mutually conceal each other from their superiors and government servants.<sup>156</sup>

Ma Duanlin 馬端臨(1254-1323), in his *wenxian tongkao* 文獻通考, points out that Qin's system of *shiwu* is consistent with that of the Zhou. The laws of Zhou aims to make people support each other in their needs and sickness. The beneficence and the goodwill shape a person's character, making them *junzi* (gentlemen, 君子). The laws of the Qin, however, makes people watch each other and inform each other. One man's fault implicates his neighbors and families, which causes people to be villains.<sup>157</sup> This is a good conclusion for our present discussion about the extant texts on collective punishment.

## 5. Historical Records of Collective Punishment

Very little detailed information about the scale of the collective punishment could be found in the historiography. Most of the cases are mentioned in passing with the pattern phrase “200 people were killed” as such. Also, we do not have sufficient detailed records about how *lian-zuo* 連坐 was practiced in the state of Qin on the commons, but we should be able to get some information from Sima Qian's Histories about the tyranny of Qin Shihuang 秦始皇 and Qin Ershi 秦二世 by abusing collective punishment. I list the major stories here.

1. In the ninth year of Qin Shihuang, Lao Ai 嫪毐, who had a giant penis, being of such size as being able to be used as an axle for a wooden carriage, committed adultery with the mother of the emperor and she gave birth to two kids. Lao Ai

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<sup>156</sup> Shangjunshu zhuizhi, 1986, 73;Duyvendak, 2003, 321.

<sup>157</sup> Ma Duanlian, 1986, 124.

convinced the mother of the emperor that one of the two kids should ascend the throne once the emperor died. When the informer told the emperor the truth, he gave orders that Lao Ai's three clans (*sanzu*, 三族) should be put to death.<sup>158</sup>

2. After Qin Shihuang died, the country suffered serious disorder. The consultant of Qin Ershi suggested that the laws should be stern that all people related with crimes should be put to death until the destruction of a clan (*zuozhu*, 坐誅; *shouzu*, 收族).<sup>159</sup>

3. In the July of the second year of Qin Ershi, Li Si, who suppressed the late emperor's choice of successor with Zhao Gao 趙高 to avoid being replaced by Meng Tian 蒙恬, was dismembered by the new emperor. His son visited him in the prison and Li Si held his son's hands crying "if only we could hunt rabbits together with our dogs." Three clans (*zu*, 族) of him were exterminated.<sup>160</sup>

4. Jing Ke 荊軻 tried to assassinate the king of Qin. The king was furious and slaughtered nine clans (*zu*, 族), but he was still not appeased. He destroyed Jing Ke's li.<sup>161</sup>

5. In the 36<sup>th</sup> year of Qin Shihuang, a star fell from the sky and hit the ground turning into a rock. The commons wrote on the rock that if only the king died and the land

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<sup>158</sup> 始皇九年，有告嫪毐實非宦者，常與太后私亂，生子二人，皆匿之。與太后謀曰“王即薨，以子為後”。於是秦王下吏治，具得情實，事連相國呂不韋。九月，夷嫪毐三族，殺太后所生兩子，而遂遷太后於雍。諸嫪毐舍人皆沒其家而遷之蜀。

<sup>159</sup> 趙高曰：“嚴法而刻刑，令有罪者相坐誅，至收族，滅大臣而遠骨肉。

<sup>160</sup> 二世二年七月，具斯五刑，論腰斬咸陽市。斯出獄，與其中子俱執，顧謂其中子曰：“吾欲與若複牽黃犬俱出上蔡東門逐狡兔，豈可得乎！”遂父子相哭，而夷三族。

<sup>161</sup> 荊柯刺秦王，後誅柯九族，其後患怒不已，複夷柯之一裏，一裏皆滅。

split. Qin Shihuang was furious and killed all those who lived close to where the rock was.<sup>162</sup>

It is clear from the examples above that collective punishment has already deviated from the realm of law, turning into an abusive tool for tyranny. With regard to *sanzu* (three clans, 三族), the interpretation vary. Regarding Sima Qian's *History fachu you sanzhu zhizui* 法初有三族之罪, different commentators give different explanations. Zhang Yan 張晏, for instance, understands that *sanzu* should include parents, brothers, wives and children.<sup>163</sup> Ru Chun, however, understands it as the clan of the father, the clan of the mother and the clan of the wives.<sup>164</sup> Zheng Xuan interprets it that it should mean father, sons and grandsons.<sup>165</sup> It is not my current duty to offer an lengthy research into the meaning of *sanzu*, but obviously, no matter what interpretation we are to accept, the children of the guilty families are certainly to be punished.<sup>166</sup> Besides, the absence of Sima Qian's critique on the brutal punishment of clan extermination leads us to think that the collective punishment has become a customary law and the idea of group liability has already been accepted by the state.

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<sup>162</sup> 始皇三十六年，有墜星下東郡，至地為石。黔首或刻其石曰：始皇帝死而地分。始皇聞之，遣御史逐問，莫服，盡取後旁居人誅之。

<sup>163</sup> 父母，兄弟，妻子也。

<sup>164</sup> 如淳曰：父族，母族，妻族也。

<sup>165</sup> 三族，謂父、子、孫。

<sup>166</sup> I am inclined to accept Chen Naihua and Zhang Jianguo's interpretation that all the commentaries are made after Han Dynasty, and their interpretations could not reflect the realities before Qin Dynasty. Drawing evidence from the historical records and the excavated texts, including bronze texts, they argue that the realm of the punishment could extend further than three clans. Both of them agree that *sanzu* is just a fixed phrase inherited from a source unknown, but its practice varies. The punishment is mostly targeted at mutiny and other state crimes, thus, extermination of three in most circumstances means a extermination of the clans or people with the same surname. See Chen Naihua, 1989, 25-29; Zhang Jianguo, 1998, 143-157.



## 6. Collective Punishment in Excavated Qin Laws

So much about the textual analysis of the development of government organization and its concomitant emergence of collective punishment as a legal force to keep rural people obedient. With the excavation of the bamboo texts in 1975, we are able to take a detailed view about some of the particular cases regarding the use of collective punishment at the time of the Qin as a state and of earlier Qin Empire. The excavated Qin laws are what we today call civil laws. They do not deal with state crimes, as we mostly read in the historical records.

Let's first look at collective punishment within a family, which is called *tongju lianzuo* 同居連坐 in *Shuihudi* texts. *Hu* 戶 is the smallest unit in Qin's household registration system. And we are able to see from a group of bamboo slips from *Shuihudi* under the title of "*Answers to Questions concerning Ch'in Statutes* 法律問答" that *hu* refers to those "who dwell together".<sup>167</sup> And this same question appears multiple times in various places (see quotation below). It certainly points out that the existence of co-adjudication among family members. The *Shuihudi* bamboo texts deal with specific cases. For instance, in *Answers to Questions concerning Ch'in Statutes*, most answers are replies to a certain concrete case. The penalty is related to several crimes, as far as we see from the remnants of the law cases.

可（何）謂「室人」？可（何）謂「同居」？「同居」，獨戶母之謂（也）。？「室人」者，一室，盡當坐罪人之謂（也）。

What is the meaning of "the people of the house"? What is the meaning of "dwelling together"? "Dwelling together" means "only the mother of household". "People of the house" means "the whole

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<sup>167</sup> Hulsewé, 1985, D 19, 126.

house”, all those who are warranted to be co-adjudication with a criminal.<sup>168</sup>

One of the crimes that are frequently related to family co-adjudication is robbery.

According to the law, if a person commits the crime of robbery, his whole household is involved in the trial.

「盜及者（諸）它罪，同居所當坐。」可（何）謂「同居」？戶為「同居」，坐隸，隸不坐戶謂（也）。

(The Statutes say) “Robbery and all other crimes where ‘those who dwell together’ are warranted to be adjudicated”. what is the meaning of ‘those who dwell together’ The household is (meant by) ‘those who dwell together’. Servants are (co-)adjudicated, (but) for servant’s (crimes) the household is not (co-)adjudicated, that’s the meaning.<sup>169</sup>

This is the basic principle. But regarding to different situations, there are different methods. Regarding robbery, for instance, what determines the penalty are the amount of cash stolen and whether family members have knowledge of this crime. It is recorded in the remnants of the law that if a husband steals one thousand cash and hides three hundred in his wife’s place and his wife hid them, his wife is warranted to be sentenced for the three hundred; but if she had no knowledge, it is a case for holding.<sup>170</sup> Scholars have debated the meaning of *shou* (收, holding). Some explain *shou* as “confiscated” as a member of the offender’s family and to be made a government slave.<sup>171</sup> Hulsewé suggests that *shou* has the meanings of “to accept or receive stolen goods”, “to arrest” and “to keep in custody”. I am inclined to understand it as “to confiscate as slaves”, based on a law case which I quote below.

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<sup>168</sup> Hulsewé, 1985, D 181, 179.

<sup>169</sup> Hulsewé, 1985, D19, 126.

<sup>170</sup> Hulsewé, 1985 D13, D14, 124.

<sup>171</sup> Hulsewé, 1985, 124.

「隸臣將城旦，亡之，完為城旦，收其外妻、子。子小未可別，令從母為收。」可（何）謂「從母為收」？人固買（賣），子小不可別，弗買（賣）子母謂（也）。

When a li-ch'en leads ch'eng-tan and lets him (or them abscond), he is made an intact ch'ent tan, and his wife (living) outside and his children are confiscated. When the children are small and cannot yet be separated from (their mother), let them join their mother when confiscated. What is the meaning of "joining their mother when confiscated"? People will surely buy them, but the children, being small, cannot be separated from her; the mother of the children must not be sold (separately)—that is the meaning.<sup>172</sup>

Clearly, as is indicated, *shou* means that the wife and children of the criminal are to be punished for the criminal's sins. And another reason that *shou* should be understood as "to confiscate" in this context is supported by another law that "if the husband is guilty and the wife informs him, she does not take the punishment of *shou* (夫有罪，妻先告，不收)<sup>173</sup>". But if she knows about the theft but does not denounce it to the government, she and her children, I believe, will be punished in the same way as her husband suffers. For instance, in the remnants of the law, two cases are about theft. Someone stole goods, where the illicit profit had a value of 110 cash. His wife and children, knowing this, ate the meat together with him; they are warranted to suffer the same punishment.<sup>174</sup> In another case, someone stole goods, where the illicit profit had a value of 150 cash. He informed A, and A together with his wife and children, knowing that the other man was a thief together with the thief ate meat. A's wife and children are to suffer the same punishment as A.<sup>175</sup> These two cases have nothing to do with collective punishment, but they show us the consequence of not reporting the

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<sup>172</sup> Hulsewé, 1985, 153. Also see Hulsewé, 1985, 57 for a detailed discussion of the three meanings of *shou* in Shuihudi strips.

<sup>173</sup> Hulsewé, 1985. D 149, 168.

<sup>174</sup> Hulsewé, 1985, D 15, 125.

<sup>175</sup> Hulsewé, 1985, D 16, 125.

crimes with knowledge. And if they have no knowledge, the wife and the children will be reduced to state slaves anyways.

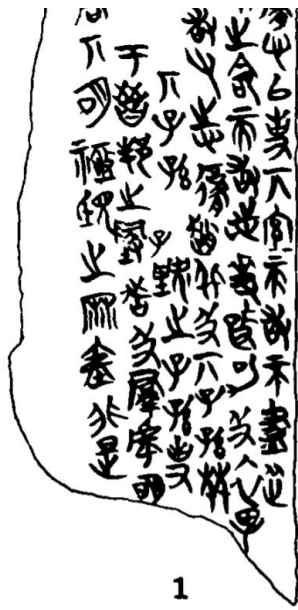
The intention of making his wife and children co-responsible for the faults is to encourage mutual surveillance among family member, which corresponds with what we have talked about the purpose of creating a community—mutual surveillance. And the loss is more than the co-adjudication of family members. The penalty under serious circumstances include the loss of the whole household.

可（何）如為「大誤」？人戶、馬牛及者（諸）貨材（財）直（值）過六百六十錢為「大誤」，其他為小。

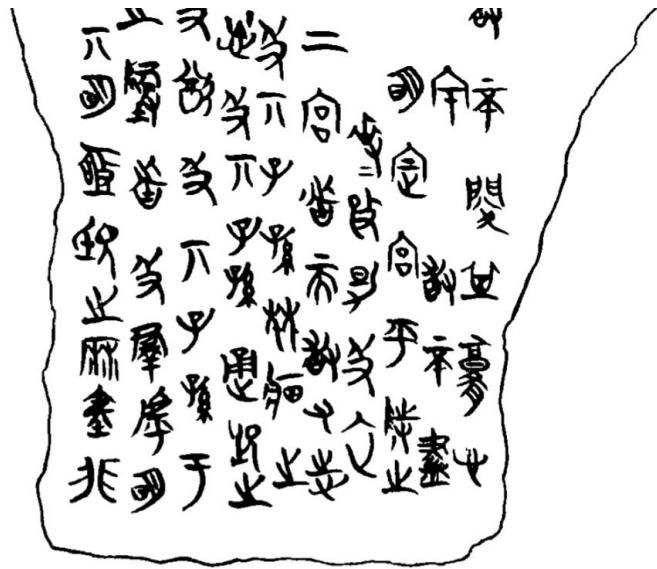
What are “serious mistakes”? Mistakes in the number of households, horses, cattle, as well as all goods whose value exceeds 6060 cash are serious mistakes, the other are small mistakes.<sup>176</sup>

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<sup>176</sup> Hulswé, 1985, D 189, 181.



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Illustration 1: Transcription of the jade tablets with the phrase “麻夷非是”, Houma

Zaishu 侯馬載書 No.1 and No. 21<sup>177</sup>

<sup>177</sup> Chen Mengjia 陳夢家, Dongzhou Mengshi yu chutu zaishu 東周盟誓與出土載書, Kaogu 考古, 1966, 274.

## CHAPTER FIVE

### *Chengfu* in the *Taiping Jing* and Its Sources

In this chapter, we are going to elaborate on inherited responsibility as a religious expression while we trace back its origin and development through oracle bone inscriptions, major philosophical texts and excavated materials. We'll start with the *Taiping Jing* (太平經, The Canon for Grand Peace), in which inherited responsibility finds its best expression in the early China context in *chengfu* 承負<sup>178</sup>, a pivotal idea in this Daoist scripture.

The fundamental work of early Taoism, the *Taiping Jing*, consists of a huge volume of 170 chapters and covers a considerable range of topics from health, politics, and literature to music. Diverse as it is, all issues discussed almost revolve around one central theme: a corrupted society and measures to achieve grand peace. A contextual examination of the concept *chengfu* within a larger framework of the society and the history of ideas will make us better understand its historic formation and its significance.

#### 1. Three Antiquities and *chengfu*

Despite that there is a considerable disagreement about the exact date and authorship, it is generally agreed that most of the 170 chapters are completed no earlier than

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<sup>178</sup> Barbara Hendrichske's translation is reception and transmission, which will be used hereafter. Literally, the word *cheng* 承 means to carry down, to inherit, to receive; the word *fu* 負 means to burden. See Barbara Hendrichske's discussion of the translation of the term in *The Scripture on Great Peace: The Taiping Jing and the beginning of Taosim* (University of California, 2006), 141-142.

middle or late East Han Dynasty.<sup>179</sup> The whole book is an attempt to offer a reasonable explanation and possible solutions for the rampant spreading of human crimes (“thefts and robbery”) and natural catastrophes. Historically speaking, the regime of Emperor An (A.D. 107-125) has witnessed and suffered from a large number of calamities.<sup>180</sup> According to the modern statistics, from the 1<sup>st</sup> year of Emperor An (107) to the 6<sup>th</sup> year of Emperor Ling (183), there has been at least 40 local factions against the central government, including numerous reports of large-scale robbery and factional revolutions. Additionally, frequent happenings of natural disasters, such as drought, flood, epidemic, earthquakes, have pushed the whole society to the edges of collapsing.<sup>181</sup> This is the social background of this book.

The *Taiping Jing* observes these social and natural phenomena. The scripture states the reason of composing the books that the world is in a terrible state of chaos and society lost its innate cosmic balance, which is made obvious by natural omens such as droughts, floods, famines, epidemics<sup>182</sup> and other natural disasters.

今天地陰陽，內獨盡失其所，故病害萬物。帝王其治不和，水旱無常，盜賊數起，反更急其刑罰，或增之重益紛紛，連結不解，民皆上呼天，縣官治乖亂，失節無常，萬物失傷，上感動蒼天，三光勃亂多變，列星亂行。（解承負決）

Now Heaven and Earth, yin and yang, are now in disorder and lost what they embrace, which harms everything on earth via diseases. The emperors rule with disorder and disharmony, and there are

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<sup>179</sup> See Beck 1980, 149-180.

<sup>180</sup> Houhan shu, 46. 2762.

<sup>181</sup> See Jian Bozan, 1983, 420, 494.

<sup>182</sup> For more textual and archaeological evidences on the epidemics and popular beliefs of diseases, see Li Wentao, 2012, 27-33.

irregular floods and droughts. There are burglaries and robberies, the punishments of which increase and accumulate.<sup>183</sup>

And yet, as has been quoted above, chaos also arises in the courts of the imperial house, proven by the recorded events such as freakish births (perhaps a hint at the meddling of eunuchs)<sup>184</sup>, all of which demonstrate Heaven's displeasure towards the mortal realm.

In view of these, the *Taiping Jing* aims to offer a historical exposition of the cause of the incessant natural disasters and the societal disorder.<sup>185</sup> According to the *Taiping Jing*, Chinese antiquity is divided into three eras: High Antiquity, Middle Antiquity and Late Antiquity. The High Antiquity rules by *wuwei* (無為, action without action) and knows how to guard *dao* 道. People in the Middle Antiquity deviate a little bit from the tao. Late Antiquity sees these faults grow and multiply into evil crimes, which cause the current chaos of the society. Critical readers may tend to ask: since people (mainly sages) in the High Antiquity know how to guard their true spirit and to practice the heavenly tao, what is the cause of the degeneration? The *Taiping Jing* acknowledges *chengfu* as the primary reason of the humans' downfall from the High Antiquity.

上古得道，能平其治者，但工自養，守其本也。中古小失之者，但小忽自養，失其本。下古計不詳，輕其身，謂可再得，故大失之而亂其治。雖然，非下古人過也，由承負之厄會也。(五事解承負法第四十八)

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<sup>183</sup> TPJ, 22. English translation mine.

<sup>184</sup> Levy, 1956, 214.

<sup>185</sup> Han Jishao perceives the need of interpretation related with the “discourse on disasters and abnormalities” 两汉灾异论, which tends to interpret the natural phenomena as the responses of the Heaven to the corruption of the sovereign. See Han Jishao, 2007, 31-34



In early antiquity, men able to bring peace to their reign through their grasp of dao were merely engaged in nourishing their own person and preserving their root. In middle antiquity, when their grasp slackened, they became a little careless in regard to nourishing their own person and lost their root slightly. In late antiquity, plans were not well drafted and men held their bodies in little esteem, arguing that they could get another one. Thus, by erring greatly they brought disorder upon their government. Nevertheless, this is not the mistake committed by the people of late antiquity, but the mistake results from the misery of receiving and transmitting [evil].<sup>186</sup>

The *Taiping Jing* makes it clear that the current misery of humans is not the immediate result of the immoral behaviors and unjust society, but that it is due to the accumulation of faults of the people from the previous ages. Moreover, the *Taiping Jing* also attributes an ongoing decrease of human life expectancy to *chengfu*: 120 years for High Antiquity, 80 for Middle Antiquity and 60 for Late Antiquity.<sup>187</sup> In this sense, *chengfu* should not only be viewed as an explanation for all sorts of calamities, but also should be viewed as the punitive mechanism of the Heaven 天. The *Taiping Jing* claims that a better era than the one experienced in the Han dynasty can only begin with the emergence of a new healthy emperor, a new Heavenly Mandate and an end to evil omens.

### 3. Categories and the Notion of *chengfu*

Due to the fragmentary nature of the text *The Taiping Jing*<sup>188</sup>, the textual interpretations of *chengfu* are scattered in various spots. According to some scholars' statistics, the word *chengfu* appears more than 100 times within the text. *chengfu* is a consistent concept that links the divergent and disorganized contents, but it is also

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<sup>186</sup> TPJ, 48. 61; Hendrichske, 2006, 146.

<sup>187</sup> This is related with the low life-span of people due to social and natural calamities in Luoyang. Also see Li Wentao, 2012, 27-33.

<sup>188</sup> See editor of the standard text Wang Ming's preface, TPJ, 11-14.

possible that the authors (or author) do not have a systematic understanding of it. An attempt to untangle and categorize different types of *chengfu* will be made in the following sections.

The primary purpose of *chengfu* is to offer a reasonable justification of the grief and the suffering of the people. On the other hand, it tries to justify the existence of justice while offering a reasonable explanation for the troubling phenomenon that the virtuous live in misery while the evil enjoy longevity and prosperity. This dilemma has long troubled the ancient writers. One of the most representatives is the question from Sima Qian, the historian, in his *Biography of Boyi and Shuqi* 伯夷叔齊列傳, which he chooses to be placed in the beginning of the biographies, whether intentionally or not. Near the end of their life narration, Sima Qian questions the claim that “heavenly dao always rewards the good people 天道無親，常與善人”.<sup>189</sup> He ends this chapter presenting readers his perplexity about the validity of heavenly tao. If we make a survey of the pre-Han literature on this issue, we are not able to find any satisfactory answer to diminish this perplexity. *Shangshu* 尚書, for instance, quotes the king Tang 湯 saying that “The way of Heaven is to bless the good, and make the bad miserable 天道福善禍淫”<sup>190</sup>. Historically speaking, the *Taiping Jing* is the first

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<sup>189</sup> Shiji, 60. 226: “若伯夷、叔齊，可謂善人者非邪？積仁累行如此而餓死！且七十子之徒，仲尼獨荐顏淵為好學。然回也屢空，糲糠不厭，而卒蚤夭。天之報施善人，其何如哉？盜跖日殺不辜，肝人之肉，暴戾恣睢，聚黨數千人橫行天下，竟以壽終。是遵何德哉？此其尤大彰明較著者也。若至近世，操行不軌，專犯忌諱，而終身逸樂，富厚累世不絕。或擇地而蹈之，時然後出言，行不由徑，非公正不發憤，而遇禍災者，不可勝數也。余甚惑焉，儻所謂天道，是邪非邪？”

<sup>190</sup> *Shangshu*, see also in *Hongfan* “the hortatory use of the five (sources of) happiness, and the awing use of the six (occasions of) Suffering 向用五福，威用六極” The five sources of happiness are “long life, riches, soundness of body and serenity of mind, the love of virtue, fulfilling to the end the will (of Heaven). The six sufferings are “misfortune shortening the life, sickness, distress of mind, poverty,

systematic attempt to justify the phenomenon that bad people are living a good life, while the good are living wretchedly, under a broader theoretical structure.

凡人之行，或有力行善，反常得惡；或有力行惡，反得善，因自言為賢者非也。力行善反得惡者，是承負先人之過，流災前後積來害此人也；其行惡反得善者，是先人深有積蓄大功，來流及此人也。

People do good deeds but get misfortunes. People do evil things but get fortunes. The reason of doing good with the reward of misfortune, it is because of the transmission and reception of former ancestral faults, and the bad results spread to the descendants to come. The reason why people who do bad things get rewarded is because their ancestral merits, which has spread to descendants to come.<sup>191</sup>

According to this passage, the current misery of individuals and humans, collectively speaking, is attributed to ancestral faults that had been passed down through generations. *Vice versa*, the happiness that one enjoys should be accredited to their ancestral merits. But heredity is not the only way how evil is punished throughout generations. And unsurprisingly, we find here a word for word parallel of the Solonian idea that the penalty of the evil people is either paid off by themselves, or through their descendants.<sup>192</sup>

凡人乃有大罪六，不可除也。或身即坐，或流後生。… … 夫大不仁之過積多，不可勝記，… … 死尚有餘罪，當流後生。… … 天地開闢以來，更相承負，其後生者尤劇，積眾多相聚為大害。

There are six great crimes which are not able to be gotten rid of. Either the criminal is punished immediately, or gets delayed to the generations to come. The crimes of the evil people accumulate and become countless...if a death sentence does not recompense for his

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wickedness, weakness.”(五福：一曰壽，二曰富，三曰康寧，四曰攸好德，五曰考終命。六極：一曰凶、短、折，二曰疾，三曰憂，四曰貧，五曰惡，六曰弱。)”

<sup>191</sup> TPJ, 22; my translation.

<sup>192</sup> Some scholars put forward different classifications. Qing Xitai, for instance, categorizes *chengfu* in terms of retribution: *xianshi bao* (retribution for previous generations), *xianshi bao* (retribution in this generation) and *laishi bao* (retribution in next generations). *Laishi* here does not mean next life as a Buddhist term. See Qing Xitai, 2009, 87.

crimes, the punishments go to his/her descendants. Since the creation of heaven and earth, people transmit and receive the crimes for generations. The misfortunes that befall the descendants, and they grow irreparable.<sup>193</sup>

The *Taiping Jing* points out that the transmission of the evil is possible only under the circumstance that the capital punishment of the criminals does not compensate for crimes committed. This, in the *Taiping Jing*, is specifically called *chengfu*. Barbara Hendrichske translates the key phrase as “reception and transmission”, which is as accurate as what the original Chinese word conveys. As a matter of fact, one passage in the *Taiping Jing* offers us a relatively satisfying exposition of the difference of *cheng* and *fu*.

承者為前，負者為後，承者，迺謂先人本承天心而行，小小失之，不自知。用日積久，相聚為多，今後生人反無辜蒙其過謫，連傳被其災，故前為承，後為負也。負者，流災亦不由一人之治，比連不平，前後更相負，故名之為負。負者，迺謂先人負於後生者也；病更相承負也，言災害未當能善絕也。

Well, “to receive [*cheng*]” is first; “to transmit” comes next. “To receive [*fu*]” means that the ancestors originally received heaven’s favor. As they went on, they slowly lost it. They did not notice how [their mistakes] increased from day to day. A lot came together. Now the latter-born, as innocent as they might be, meet with these wrongdoings and are forever hit by calamities. For this reason “to receive” is first and “to transmit” comes next. That there is “transmission” means that the cure for rows of disasters cannot come entirely from the reign of one person.<sup>194</sup>

Based on the passage here, the difference mainly lies in the perspectives of how one views the question. If viewed from the perspective of the descendants, the effect of transmission is *cheng* 承 on the ground that the offspring have to bear what their ancestors have done, both positive and negative. On the other hand, if seen from the

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<sup>193</sup> TPJ, 167.242; translation mine.

<sup>194</sup> TPJ, 50, 70; Hendrichske, 2006, 160.

parental or ancestral perspective, the process of transmission is called *fu* 負, which literally means to burden. *Fu* stresses the point that any paternal or ancestral act has consequences and that it is their descendants who are doomed to be the objects of the punitive actions. To sum up, one person's misfortune could be traced back to some ancestral fault, which is called *cheng*; one's failings or evil deeds will descend on the heads of their descendants, which is called *fu*.

*Chengfu* in the *Taiping Jing* could be roughly classified into three categories, regardless of their possible overlapping. The first of its kind, in my categorization, is the inheritance of evil within the sphere of family through kinship. The second is the hereditary evil among human kind. The third is the accumulative evil and its catastrophic consequences of the kings and emperors.<sup>195</sup>

The first of its kind is the hereditary evil within a family.

凡人所以有過責者，皆由不能善自養，悉失其綱紀，故有承負之責也。比若父母失至道德，有過於鄰里，後生其子孫反為鄰里所害，是即明承負之責也。今先王為治，不得天地心意，非一人共亂天也。天大怒不悅喜，故病災萬端，後在位者複承負之，是不究乎哉？。

Now the people are to blame because they are not good at nourishing their own person. They are punished by the reception and transmission [of evil] because they have all lost direction. Compare this to the case of a father and mother who, in neglect of moral obligations, have trespassed against their neighbors and whose sons and grandsons will later on be injured by those same neighbors. This indicates the punishment involved in receiving and transmitting [evil]. If the former kings in their government did not match the thoughts and intentions of heaven and earth, it was not because a single individual would have upset heaven. Since heaven was annoyed and angry, plagues, diseases, and natural calamities occurred in ten thousand different forms. Those who later came to the throne

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<sup>195</sup> Scholars have many other categorizations too. See Tang Yijie,

continued to receive and transmit [evil]. Should this not be brought to a halt?<sup>196</sup>

This passage reminds us what Gustave Glotz calls the ancient view of life.<sup>197</sup> The ancients believe that the lives of the individuals are extensions of that of their ancestors. It is the obligation for the family members to reproduce and to make the family last. Needless to say, individual lives are heavily attached to the overall function and prosperity of the family by living a shared life. The *Taiping Jing* claims similar ideas on this point. First of all, one important theme that runs across the whole books is that human life is the great treasure from Heaven (夫壽命，天之重寶也).<sup>198</sup> By human life, the *Taiping Jing* generally does not refer to the individualized life, but rather life as a symbol of the continuation of a family or of a lineage. Two places from the texts could support. The *Taiping Jing* claims that in the in relationship of humans to *tiandi* (天地, heaven and earth), man is heir to heaven's dispensation and women to that of earth. Death without progeny is considered one of the crimes against nature.<sup>199</sup> Another circumstance is when the perfected 真人 is asked what the best thing is among the deeds of men and the reign of kings. One of the replies that the perfected offers is that when a crime happens, it is the best to focus on the specific criminal(s), not on the people who are related to them by blood. Since it is a severe damage to wipe out a whole generation, because man exists in the spirit like dispensation of

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<sup>196</sup> TPJ, 47. 54-55; Hendrischke, 2006, 137.

<sup>197</sup> Gustav Glotz, 1904, 12-20.

<sup>198</sup> TPJ, 22. 470.

<sup>199</sup> Hendrischke, 2006, 75-76; TPJ, 36. “夫男者迺承天统，女者承地统；今迺断绝地统，令使不得复相传生，其后多出绝灭无后世，其罪何重也！此皆当相生传类，今乃绝地统，灭人类，故天久绝其世类也。”

heaven and earth.<sup>200</sup> The emphasis on the consistency of a family in the *Taiping Jing* further strengthens the idea of congenital connections and affiliations.

It is also important to point out that *daode* (道德, morality) mentioned in the passage above is ambiguous. This passage does not elaborate more on the connotation of *daode*. Again, due to the fragmentary nature of the *Taiping Jing*, it is difficult to find a specific passage or section that focuses on a specific question. One of the significant passages is in the book 178 that focuses on good and bad fortune.<sup>201</sup> Among the four ill fortunes, three of them are considered to be inheritable and threatening to the people that are related by blood. According to this short section, failure to fulfill one's duties as a government official will both bring humiliation to one's parents. But the unfulfilled duty, considered as an ill fortune (*eliu*, 惡流) by the *Taiping Jing*, will also be extended to his wife and children. The second ill fortune is betrayal and contempt towards a master's holy teaching, which is deemed to be vicious to the master's life and that of the master's descendants. The third ill fortune is disrespect and impiety for the elderly relatives and ancestors. Such impudent actions will bring disasters to one's wives and children. These faults are all considered immoralities by the *Taiping Jing*.<sup>202</sup>

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<sup>200</sup> Hendrischke, 190-191.

<sup>201</sup> TPJ, 178. 520-521.

<sup>202</sup> Scholars have talked a lot about how the *Taiping Jing* tries to incorporate and re-modify different sources of thoughts, such as early Confucianism, Taoism, the Han ideology, folk beliefs etc. See Zhao Yuling, 2012, 24-27. As a matter of fact, the *Taiping Jing* itself tells us of its different sources which include Confucian texts, Mohist texts, Zhuangzi, yinyang discourse, Buddhist terms and popular religious practices, etc. “天師指數，乃拘校天地开辟以来前后贤圣之文，河洛图书神文之属，下及凡民之辞语，下及奴婢，远及夷狄，皆受奇辞殊策，合以为一语，以明天道。” TPJ, 91. 349. Also see Liu Zhaorui, 1995, 101.

The second type places hereditary evil within a family in a much broader context, i.e. humans, which I tentatively call collective punishment/responsibility. Aside from an emphasis on the organization of humans through kinship, the *Taiping Jing* stresses the universal fate of the humans. In chapter 134, we read *housheng* (後生, people who were born later) should take the political responsibilities for the faults that *xiansheng* (先生, people who were born earlier). It is stressed that the earlier emperors who have received heavenly mandate ruled the world by virtues. The people who has abandoned such methods of ruling will transmit their faults to the people who were born later. The deterioration and accumulation of their faults will finally lead to the utter corruption of the whole society.<sup>203</sup> In this sense, the people who were born later are totally innocent for the punishment they received and the *Taiping Jing* confirms and stresses it multiple times.<sup>204</sup> One significant aspect of collective punishment is that all faults of humans are compared with the innate innocence of the sages in the High Antiquity. The consistency of the three historical phases of humans confirms one fact that all individuals are universally connected in all ways with the same fate. A man's act could affect another man's fortune. For instance, in chapter 154, a passages accentuates that a man's loss of inner innocence could bring up defective emotions, such as jealousy, hatred, etc.. which is a bit confusing in relating people's bad emotions to *chengfu*. The logic here is that the reasons why people have bad sentiments (not able to guard the spirit and keep inner peace) is that humans are contaminated by their ancestors' deviation from *dao*, and are consequently suffering

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<sup>203</sup> TPJ, 134. 369: “夫天命帝王治国之法，以有道德为大富，无道德为大贫困。名为无道无 德者，恐不能安天地而失之也。先生稍稍共废绝道德，积久复久，乃至于更 相承负，后生者被其冤毒灾剧，悉应无道而治。至于运会灭绝，不能自出，大咎在此。”

<sup>204</sup> TPJ, 97. 432.



for the ancestral faults. A tree metaphor using root-branch-leaves relations from the texts substantiates the connections through inheritance both of families and of humans as a whole community.

夫南山有大木，廣縱覆地數百步，其本莖一也。上有無訾之枝葉實，其下根不堅持地，而為大風雨所傷，其上億億枝葉實悉傷死亡，此即萬物草木之承負大過也。其過在本不在末，而反罪未曾不冤結耶？今是末無過，無故被流災得死亡。夫承負之責如此矣，寧可罪後生耶？（解承負法第四十八）

There is a large tree in the southern mountains, a tree that is so wide and long that it forms a ceiling over several hundred paces of ground although it has a single trunk. Above the ground, it has innumerable branches, leaves, and fruits, all of which may suffer injury from storms and rain should the root below the ground not cling tightly to the soil. If this were the case all the many millions of branches, leaves, and fruits would die from such injury. This is the big evil that is received and transmitted by the ten thousand plants and trees. This evil lies with the root and not with the branches. But if the branches were accused instead, wouldn't they be even more grief-stricken? But if the branches are without fault, there is no reason why they should suffer death from such disasters. This is exactly what the punishment of receiving and transmitting [evil] is all about. How can one accuse the latter-born?<sup>205</sup>

It is noteworthy that in a family-oriented society as early Han dynasty, theory of universal fate of *chengfu* well echoes and underlines the idea of *tianxia* 天下 in political discourses of early China that the land on earth belongs to the public and each private man should be responsible for the human race. On the other hand, it reiterates the idea of a cosmological order, which punishes humans collectively for their ancestral faults, as is made clear in the following passage:

子欲知其實，比若人矣：人大忿怒，乃忿甲善人，不避之，反賊害乙丙丁。今乙丙丁何過邪？而逢人怒發，天之怒發亦如此矣。故承負之責最劇，故使人死，善惡不復分別也。大咎在此。

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<sup>205</sup> TPJ, 37.58; Hendrichke, 2006, 144.

故吾書應天教，今欲一斷絕承負責也。天其為過深重，多害無罪人，天甚憂之。

Let me tell you the truth by using comparing it to humans: A is utterly angered and casts his anger on a good person B. B does not shun, and kills C, D and E. What are C, D and E's faults? Heaven's anger is like this. When *chengfu* comes to its extreme, it kills without distinguishing the good from the bad. Such a great fault it is. I am writing this book to cut off *chengfu*. Heaven is angered for the past faults and hurts the innocent.<sup>206</sup>

Thing brings us to the third kind of *chengfu*, which is the revenge from *tiandi* (天地, heaven and earth). In chapter 134, we read passages with the similar idea that Zeus' justice is arbitrary. The *Taiping Jing* articulates that if the *chengfu* of evil worsens beyond cure, *tiandi* 天地 will show forth its anger and extend its outrage to the innocent (*wuzui*, 無罪). And we have reasons to believe that the *Taiping Jing* refers to the time when the book was written because it clearly expresses that the purpose of the *Taiping Jing* is to “untangle the chains of *chengfu*”.

And naturally, the accumulation of evil is extended to one's descendants. This theory also responds to the common Daoist assumption that a Golden age has indeed existed and the degeneration is due to the accumulation of human's evilness.

### 3.The Time Span and Limit of *chengfu*

It is manifest that the inheritance of ancestral fault does not only occur within the limit of a house, or families. Quite different from the representations of ancestral faults in Greek myths, tragedy and historiography, the *Taiping Jing* extends the hereditary evil to the general human kind. But on the other hand, influenced by the Confucian emphasis on the social hierarchy, the *Taiping Jing* treats different social

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<sup>206</sup> TPJ, 92. 367; translation mine.

classes with different time spans of inheritance. First of all, it divides humans into three social classes: the emperors and kings (*diwang* 帝王), the subjects (*chen* 臣) and the commoners (*min* 民). A general principle is that the higher the social rank is, the longer their *chengfu* lasts. According to the *Taiping Jing*, the transmission and reception of ancestral faults and evil deeds will last for thirty thousand years for the kings, three thousand years for the subjects and three hundred year for the commoners.<sup>207</sup> Other than this, the *Taiping Jing* also provides another way to calculate the time-span of the reception and transmission of ancestral faults in terms of generations. Calculated according to generations, a person receives the ancestral faults from the previous five generations and transmits them to the next five generations. If we deem thirty years as a generations, five generations is equal to 150 hundred year, which matches the previous calculation in term of *sui* (歲, year). In this sense, the inheriting time span of five generations refers to that of the commons. But it is added in the *Taiping Jing* that if the evil is so great beyond cure, the entire house, innocent though, will be swiped out without necessarily adhering to this principle.<sup>208</sup>

The argument that *Taiping Jing* should not be considered merely as a religious text but should also be viewed as a political propaganda pamphlet, as some scholars point out, could also draw supports from the detailed discussions and emphasis of the time-span of the inheritance of royal faults. The passages quoted below strengthen the idea that the current collective misfortune of humans is actually caused by the cumulative mistakes of the upper class, kings especially. Quite different from the anti-

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<sup>207</sup> TPJ, 22, 240.

<sup>208</sup> TPJ, 22, 240.

Confucian-education attitudes permeated in major Daoist texts, this passage lays great stress on the importance of education and the consequences of its failure. The minor deviated acts of the kings and teachers result in the imitations of students and the loss of the right way of self-cultivation. Moreover, the deterioration of teaching and learning separates humans away from the orthodox doctrines that thousands of misfortunes befall humans. By humans, the *Taiping Jing* means those families, states, even the entire world. In light of this, the *Taiping Jing* excuses the king that is present in office from the only blame for the misery of humans. Humans, including previous generations of the kings, the subjects and the commons, should be collectively responsible for the present human's suffering.

人但座先人君王人師父教化小小失正，失正言，失自養之正道，遂相效學，後生者日益劇，其故為此。積久傳相教，俱不得其實，天下悉邪，不能相禁止。故災變萬種興起，不可勝紀，此所由來者積久複久。愚人無知，反以過時君，以責時人，曾不重被冤結耶？天下悉邪，不能自知。帝王一人，雖有萬人之德，獨能如是何？

All that was taught was originally reliable and correct and never corrupt, false, and deceptive. But due to what former kings, teachers, and fathers had taught, men lost a little of this correctness, that is, they lost the correct way of expression as well as the correct way of nourishing their own person. Since men learn from imitating each other it became worse from day to day for those born later. This is why over a long period nothing of what they taught each other has been true. They don't have the means to stop the world from being false. Thus natural calamities and disasters occur by the ten thousand, impossible to record. Their causes have been added one to the other over a long time, again and again. Yet foolish men know no better than to find fault with their own leaders and to make accusations against their contemporaries. So how can they avoid being even more grief-stricken?<sup>209</sup>

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<sup>209</sup> TPJ, 48.59-60; Hendrichske 2006, 145.

是天與人君獨深厚，比若父子之恩則相教，愚者見是，不以時報其君，反復蔽匿，斷絕天路，天復益忿忿，後復承負之，增劇不可移。帝王雖有萬人之善，猶復無故被其害也。

These are, in fact, the profound favors that heaven bestows on a ruler, in the same way that father and son instructing each other is a sign of kindness between them. When a foolish person observes such disasters, he will not announce them to the ruler in good time but will instead keep them hidden. Thus he will cut off a path to heaven, which will increase heaven's rage. After this, any increase in the reception and transmission of evil can no longer be influenced. Even an emperor or king who had the moral goodness of ten thousand men would continue to suffer from it, for no particular reason.<sup>210</sup>

*chengfu* in the *Taiping Jing* features a strong emphasis on the innocence of the victims of the reception and transmission of ancestral faults. We see it already that theory of *chengfu* intends to offer a justification for the moral challenge that the bad live a good life, while the good live a wretched one. Critical readers of this religious text may tend to ask a logic question: if humans degenerate from the High Antiquity, what is the source, or cause of evil? The *Taiping Jing* seems to have noticed the problem and tries to amend it by elaborating on innocence.

#### 4. Release from *chengfu*

The *Taiping Jing* also puts forwards methods to disburden a person from the chains of *chengfu*. Again, due to the fragmentary nature of the text, the methods are not systematic at all. An incomplete summary should allow us to categorize these methods roughly into five kinds. Some of them aim to release individuals from *chengfu*, and some of them aim to release *chengfu* from the humans collectively with the wish to return to the High Antiquity.

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<sup>210</sup> TPJ, 47. 56; Hendrischke, 2006, 139.

The primary method to dismiss the effect of *chengfu* is to practice the meditation of guarding the one (*shouyi*, 守一). The practice of this sort of meditation will finally lead a person to ultimate illumination, thus escaping the chains of *chengfu* and finally achieving immortality. The *Taiping Jing* actually describes us the process of how to properly meditate. First of all, you should build yourself a meditation room, into which no one else should be allowed to enter. You shall practice meditation daily until you are used to it. Then at that time, you do not desire any departure from the room, any food, nor conversation with anyone else. You come to the state that when you shut your eyes, you can still perceive the world clearly. And In a state of complete concentration, when the light first arises, make sure to hold on to it and never let it go. At first, it will be red, after a long time it will change to be white, later again it will be green, and then it will pervade all of you completely. When you further persist in guarding the One, there will be nothing within that would not be brilliantly illuminated, and the hundred diseases will be driven out. In this manner, according to the *Taiping Jing*, one's soul and body will perfectly assimilate with the result of ultimate peace, which is the order of the cosmos 天之紀綱. One will never have fear of life and death.

欲解承負之責，莫如守一。守一久，天將憐之。一者，天之紀綱，萬物之本也。思其本，流及其末。

One is the beginning of all figures and the way of life; it gives rise to primordial qi and is the hawser of heaven. Therefore, if you keep thinking of the one, you move from high above to affect changes down below. But the ten thousand beings make the mistake of stressing what equates to the boughs and branches of an activity instead of referring back to its root.<sup>211</sup>

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<sup>211</sup> TPJ 37, 58; Hendrischke 2006,46.

The second way to be released is to do good deeds. The *Taiping Jing* offers life guide, or strictly speaking, an ethic life code according to what it advocates, albeit not endurance based on stoic pessimism. Again, just as what we have mentioned in the previous section about the connotation of *e* 惡 and *de* 德, the *Taiping Jing* clearly embraces many Confucian and Moist moral values. For instance:

知善行善，知信行信，知忠行忠，知順行順，知孝行孝，惡無從得複前也。

Know what is good and do what is good. Know what is faithful and do what is faithful. Know what is loyal and do what is loyal. Know what to obey and obey. Know what filial piety is and do it. There is no repetition<sup>212</sup> any more.<sup>213</sup>

Any reader who has some familiarity with the Confucian texts can immediately recognize that these values are typical Confucian concepts, broadly speaking, although they sometimes do appear in a Daoist text. And the *Taiping Jing* emphasizes multiple times the consequence of adhering to these moral codes that a man's daily accumulation of virtuous deeds and its consequent self-cultivation will finally erase one's reception and transmission of ancestral faults.<sup>214</sup>

The third way to be released from *chengfu* is the emperor's autocratic rule. As is mentioned in the *Taiping Jing*, under the administration of the Daoist sage-king in the age of High Antiquity, people reject unnatural (*youwei*, 有為) by not subscribing to artificially and arbitrarily determined values, not exalting one human quality over

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<sup>212</sup> Later discussion of the excavated tomb inscriptions will enlighten us the meaning of *fu* 复 used here in the text. Clearly, it indicated that the ancestral faults will not repeat themselves on descendants if people abide the strictures of doing good.

<sup>213</sup> TPJ, 111.526; translation mine.

<sup>214</sup> TPJ, 111, 527: “如欲尽精诚，有功可及之。努力自念，从生以来，功效所进，解先人承负，承负除解，过尽亦当上，何所疑也。” TPJ, 110. 536: “能行大功万万倍之，先人虽有余殃，不能及其人也。”

another, and not attaching importance to material acquisitions. The sage-king ensures the physical well-being of his subjects (strong bones and full stomachs) and further provides an environment in which they can develop naturally without constraint or distraction.<sup>215</sup> The state of pristine naturalness is regarded as the highest level of potency and the exemplar of virtue, the achievement of which will cut humans off from *chengfu*.

### 5. Archaeological Evidences and Sources

Scholars have long argued about the origin and textual sources of the idea *chengfu*. Tang Yongtong, for instance, insists that *chengfu* is not an indigenous idea but an idea created by Daoist monks adopting the Buddhist idea of *karma* (retribution).<sup>216</sup> Some other recent scholars, however, claim that *chengfu* is a development of some previous ideas of retribution of personal or ancestral sins that has existed since Shang dynasty. On one of the oracle bones from the Ruins of Yin 殷墟, for instance, one incomplete inscription reads:

“……於受令。

丐工方於受令。

貞於受令丐。”<sup>217</sup>

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<sup>215</sup> Also cf. Huangdi Neijing, shanggu tianzhen lun 上古天真论: “歧伯对曰: 上古之人, 其知道者, 法于阴阳, 和于术数, 饮食有节, 起居有常, 不妄作劳, 故能形与神俱, 而尽终其天年, 度百岁乃去。”

<sup>216</sup> Tang Yongtong, 1935, 22.

<sup>217</sup> Jiaguwen heji 甲骨文合集 6155.



Lian Shaoming interprets 受令 as 受命 by referring to 天不庸釋於文王受命 in *Shangshu* 尚書<sup>218</sup>, expressing the idea the Heaven will punish or award humans in terms of the span of life. Additionally, in the excavated silk manuscript Laozi (yiben) 老子 (乙本) from Mawangdui 馬王堆, one line reads:

天有環(還)刑反受其殃(殃)貞良而亡先人餘殃(殃)  
商(猖)闕(獾)而恬(活)先人之連(烈)。<sup>219</sup>

A rough translation reads: Heaven has circling punishments. The virtuous and good people die because of the remnants of the ancestral crimes. The violent and immoral people live because of their ancestral merits. This text is dated by Tang Lan middle-Warring states period.<sup>220</sup> This line clearly proves the existence of the idea of retribution of ancestral sins through Heaven, which anticipates the appearance of *chengfu* in the *Taiping Jing*. Furthermore, the punishment of eliminating life-span could be comparatively read with one passage in the *Taiping Jing* that the hell gods record one's evil and good and calculate one's due.

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<sup>218</sup> 在我后嗣子孙，大弗克恭上下，遏佚前人光在家，不知天命不易，天难谌，乃其坠命，弗克经历。嗣前人，恭明德，在今予小子旦非克有正，迪惟前人光施于我冲子。」又曰：「天不可信，我道惟宁王德延，天不庸释于文王受命。(君爽) Should our present successor to his fathers prove greatly unable to reverence (Heaven) above and (the people) below, and so bring to an end the glory of his predecessors, could we in (the retirement of) our families be ignorant of it? The favour of Heaven is not easily preserved; Heaven is difficult to be depended on. Men lose its favouring appointment, because they cannot pursue and carry out the reverence and brilliant virtue of their forefathers. Now I, Dan, the little child, am not able to make (the king) correct. I would simply conduct him to the glory of his fathers, and make him, who is my young charge, partaker of that.' He also said, 'Heaven is not to be trusted. Our course is only to seek the prolongation of the virtue of the Tranquillizing king, that Heaven may not find occasion to remove its favouring decree which king Wen received. James Legge's translation.

<sup>219</sup> Jingfa 《经法》 Mawangdui Hanmu Zhengli xiaozu 马王堆汉墓整理小组, 1976, 91-92, This line also appeared in Liu Xiang's 刘向 Shuo Yuan 说苑 with a slight difference: “贞良而亡，先人余殃；猖獗而活，先人余烈”。

<sup>220</sup> Tang Lan, 1974, 35.

Moreover, scholars use Han texts and tomb inscriptions to buttress the hypothesis that the idea *chengfu* originates from folk beliefs and superstitious practices of burial.

In one chapter on human life/fate/life-span (*ming* 命), we read:

《傳》曰：「說命有三：一曰正命，二曰隨命，三曰遭命。」正命、謂本稟之自得吉也。性然骨善，故不假操行以求福而吉自至，故曰正命。隨命者、戮力操行而吉福至，縱情施欲而凶禍到，故曰隨命。遭命者、行善得惡，非所冀望，逢遭於外而得凶禍，故曰遭命。221

Chuan says: there are three types of *ming*, namely, *zhengming*, *suiming* and *zaoming*. *Zhengming* refers to those who are righteous and have happiness naturally. In nature a good person, he does not depend on other actions and ask for happiness, and happiness comes as a result. That's the reason we call it *zhengming*. *Suiming* refer to those who put in efforts in actions and to whom happiness comes. That's the reason we call it *suiming*. *Zaoming* refers to those who do bad deeds but enjoy happiness, do good deeds but encounter evil fortunes. Life does not treat one as one wishes but suffer from outside things. That's the reason we call it *zaoming*.

Although the interpretation of the third type of *ming*, passive *ming* (*zaoming* 遭命), does not make it explicit what the “outside ill” is, we can reasonably infer that ancestral is definitely not excluded since it also tries to make a reply to the question which was mentioned before that people who do good receive bad fortunes. Aside from the sources of the philosophical or literary texts, a considerable amount of excavated tomb inscriptions from Han and Jin Dynasty also support that the idea of inherited punishment/responsibility is partly from folk beliefs and burial practices. I will list some of the most representative archaeological findings.

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<sup>221</sup> Lun Heng, 6.46; English translation mine. More similar evidences that could prove that *sanming* 三命 is a popular idea could be found at 孝经·援神契 and 春秋·元命苞.

A lead tablet from a Eastern Han (Second year of Guanghe 光和二年) tomb was excavated in July 1974 in the Truck Factory of Luoyang.<sup>222</sup> Near the end of the tablet (picture below), we read:

勿繇（徭）使無責生人，父母兄弟妻子家事無責，各令死者無適（謫）負。

Don't blame the living. Rid parents, brothers, wife and sons of the obligations. Don't make the dead burden (the living).<sup>223</sup>

From this, we are informed that the purpose of the lead tablet which was buried in the coffin with the body is to separate and to ward off the demonic spirit lest it harms its wives, descendants and brothers, even parents. What's noteworthy is the choice of the words. *Ze* 責 indicates that the people related shall not take the responsibility from the dead. *Fu* 負, as in *chengfu*, indicates that the spirits should be burdens his relatives with his own faults.

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<sup>222</sup> Luoyang bowu guan 洛阳博物馆, Luoyang Donghan Guanghe ernian wangdangmu fajue jianbao 洛阳东汉光和二年王当墓发掘简报, *Zhongyuan Wenwu* 中原文物, 1980.6, 52-56.

<sup>223</sup> Transcription is from Luoyang bowu guan 洛阳博物馆, Luoyang Donghan Guanghe ernian wangdangmu fajue jianbao 洛阳东汉光和二年王当墓发掘简报, *Zhongyuan Wenwu* 中原文物, 1980.9, 55; translation mine.

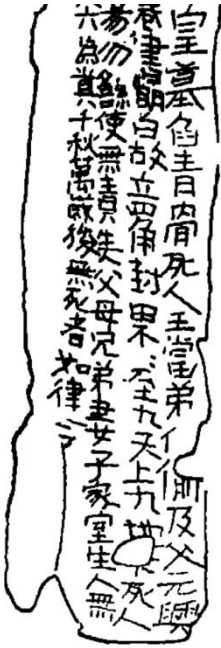


Illustration 2: Lower part of the lead tablet (Luoyang Wangdang tomb)<sup>224</sup>

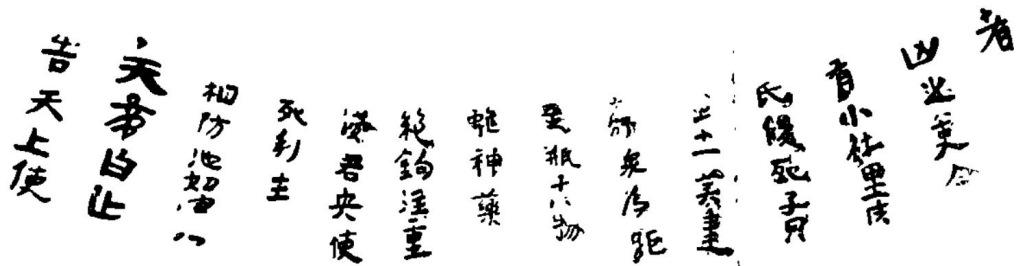


Illustration 3: Inscriptions at the bottom of the clay pot M1:66 (Luoyang Tangmen Temple)<sup>225</sup>

<sup>224</sup> Luoyang bowu guan 洛阳博物馆, Luoyang Donghan Guanghe ernian wangdangmu fajue jianbao 洛阳东汉光和二年王当墓发掘简报, Zhongyuan Wenwu 中原文物, 1980.1, 54.

<sup>225</sup> Luoyang wenwu gongzuodui 洛阳文物工作队, Luoyang tangmensi liangzuo Hanmu fajue jianbao 洛阳唐门寺两座汉墓发掘简报, Zhongyuan wenwu 中原文物, 1984.4, 38.

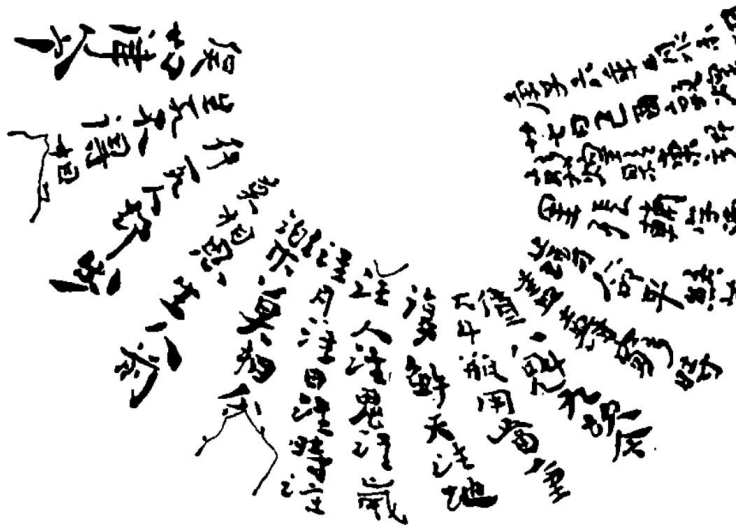


Illustration 4: Inscriptions on the clay pot M1:32(Dunhuang foye temple)<sup>226</sup>

Part of the inscriptions on the pots that were excavated in the Luoyang Tangmen

Temple read: 絕鉤注重復君央使死利生 (cut off calculation, repetition, ?, make the dead beneficial to the living). And on another pot that was excavated in Xian

Kunlunchang, there are inscriptions that read: 不得複母 , 亦不□弟, 亦不復子 , 亦不得複孫.....父老收取重複之鬼 (no repetition on mother, nor on brother, nor on sons, nor on grandsons.). Scholars have argued that the terms used in these

<sup>226</sup> Dunhuangxian bowuguan 敦煌县博物馆, Dunhuang foyemiaowan wuliang shiqi muzang fajue jianbao 敦煌佛爷庙五凉时期墓葬发掘简报, Zhongyaun Wenwu 文物, 1983, 1, 57.

inscriptions well correspond with the terms that are related with *chengfu*. Liu Zhaorui, for instance, argues that the word *chongfu* 重複, which literally means repetition and is almost homophonic with the word *chengfu*, is the earliest form of *chengfu*.<sup>227</sup>

Moreover, the word *gouzhu* 鈎注, equivalent to 拘校 in the *Taiping Jing*<sup>228</sup>, refers to the calculation of good and evil in the under-world by the hell gods. If a bad man is not punished when he was alive, his life will be calculated and the years he does not deserve will be eliminated from his descendants. These tablets and pots are buried with the dead by one's folks with the hope to cut off the calculation and the repetition of the punishment of the ancestral faults.

Moreover, later archaeological excavations also support the existence of the idea of generational retribution. Part of the pot (dated 375-421) inscriptions from the Dunhuang Foye temple (picture above) reads:

自受其殃罰不加滿移殃轉咎與他。

Suffer the penalty oneself and do not transmit the blame to others.<sup>229</sup>

A more interesting finding is the excavation of a rectangular wood block, on which reads “建興廿八年十一月丙申朔” at the beginning, which December, 6<sup>th</sup>, 340 as scholars calculate.<sup>230</sup> This wood block depicts us the ritual of “cutting off the

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<sup>227</sup> Liu Zhaorui, 1992,

<sup>228</sup> For instance, in TPJ, 110. 525: “天遣神往记之，过无大小，天皆知之。簿疏善恶之籍，岁日月拘校，前后除算减年；其恶不止，便见鬼门。地神召问，其所为辞语同不同，复苦思治之，治后乃服。上名命曹上对，算尽当入土，愆流后生，是非恶所致邪？… … 有恶不息，文书不绝，人没迺止，此戒可知为恶，自负其身耳。”

<sup>229</sup> Dunhuangxian bowuguan 敦煌县博物馆, Dunhuang foyemiaowan wuliang shiqi muzang fajue jianbao 敦煌佛爷庙五凉时期墓葬发掘简报, wenwu 文物, 1983.4, 57. Translation mine.

<sup>230</sup> Lian Shaoming 1996, 116.

calculation and repetition” that is mentioned earlier. In the middle of the wood block is a robed man with the characters 松人 (pine man, see the picture below). Around the portrait are the ritualistic words of cutting off the repetition, part of which reads:

死者王群洛子所犯，柏人當之，西方有呼者，松人應之，地下有呼者，松人應之。生人有所□，當問柏人，洛子死注咎，松人當之，不得拘校複重父母兄弟妻子。

The crimes of the dead man Wangqun Luozi should be born by the pine man. If a man calls from the West, pine man responds. If there is a call from the under-world, pine-tree man responds. The living....., you should blame the pine-tree man. The blames of the man Luo should be carried by the pine-tree man. They should not be calculated and repeated on parents, brothers, wife and children.<sup>231</sup>



Illustration 5: Songren wooden tablet<sup>232</sup>

<sup>231</sup> Translation mine. A word for word interpretation of the text is available in Jiang Shoucheng, *xianggang suocang songren jiechu mudu yu hanjin muzang zhi jinji fengsu* 香港所藏松人解除木槨与汉晋墓葬之禁忌风俗(*chengda lishi xuebao* 成大历史学报,2006), pp.1-64.

<sup>232</sup> *Xianggang zhognwen daxue wenwu guancang jiandu*, Chen Changsong ed., 2001, 110.

It is very interesting to point out that the terms “*jujiao* 拘校” “*repetition* 重複” are both used on this wood block that were dated later than the East Han Dynasty. And it is clear that in the burial ceremony, a doll made of pine is sacrificed and burned as the substitute victim of the deceased man.<sup>233</sup> The notion of transmission and reception of ancestral faults, or *chengfu*, is proven exist in social practices and popular beliefs.

## 6. Conclusion

As Hulsewe shows that the execution of a culprit's relatives, including grandparents and grandchildren, was common during the Han, although it met with some resistance (see Han Shu 2.1104f.), the notion of *chengfu* comes partly from legal and political practice. When the Wei (220-65) came to power, it was seen as necessary to exclude grandparents, grandchildren, and married daughters from such collective punishment (Jin Shu 30.925f.), in line with the demands put forth in the passage at hand. In this sense, it is a rather common legal and political practice for the ruling power to wipe out the whole family stock that may be potentially threatening. We may be able to argue that the idea of *chengfu* in the *Taiping Jing*, not only inheriting the legacy of previous thoughts, is also partly a result of this long-existing practice.

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<sup>233</sup> For more cases of dolls as the substitute of the deceased to share the blame, see Lian Shaoming, 1996, 118.



## CONCLUSION

We have seen a detailed analysis of inherited responsibility in literary, judicial and religious contexts. It is evident that cultures of ancient Greece and Early China, generally speaking, highly emphasize the continuation of family, which naturally produces the inheritance of both the merits and evils. Again, as we have said in the introduction, the hereditary merits and evils are largely dependent on the organizational structure of a society that relies on and values family lineages. Scholars on this subject generally considers it as a distinctive mark of a traditional, or in an anthropological term, primitive society. And modern laws have already erased it completely from legislation on the basis of our recognition of individuals in the modern era. But it does not mean that modern era does not see its appearance or transformation. It remains a difficulty outside the sphere of laws, and scholars have worked intensively on this subject. Golfo Alexopoulos studies the practice of collective punishment in the era of Stalin's regime and the politics of kinship in the 1920s-1940s, and his paper quotes the words said by Stalin at a Kremlin reception on 7 November 1937: "we will eliminate every such enemy of the state of peoples of the USSR....we will eliminate his entire lineage (rod), his family!"<sup>234</sup> There is also numerous scholarship on collective guilt of the Germans and the Japanese for the

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<sup>234</sup> Alexopoulos, Golfo. "Stalin and the Politics of Kinship: Practices of Collective Punishment", 1920s-1940s, *Comparative Studies in Society and History*, Vol. 50, No. 1 (Jan., 2008), pp. 91-117.

Jewish and the Chinese after World War II.<sup>235</sup>In my view, as long as the notion of family exists, the problem of inherited responsibility will forever remain in the sphere of human affairs. Thus, my dissertation could be viewed as a research of the roots of inherited responsibility in two of the most ancient civilizations on the earth. I would like to sum up several points before I conclude my dissertation.

1. Collective Punishment. Although in Greece, the practice of collective punishment is rarely seen in extant records as we have for early China. But it is quite evident that collective punishment, especially *exoleia*, is a prominent in Homer and Hesiod, on the metaphysical level as a sign of divine wrath or the arbitrary nature of justice. *Exoleia* is a curse that calls for total destruction or a ritual imprecation involving irretrievable sacrifice or harm. The destruction is brought about as a result of a broken oath, and call for castration or extirpation of a family line. In Early China context, collective punishment is normally related with the conquering and people-policing. But both sides use collective punishment to show, explicitly or implicitly, how they value the lineage, especially the male one, of family.

2. Establishment of Theodicy. Facing the dilemma of the existence of evil and the fact that some evil people escape punishments, both the Daoist religion and Solon aim to establish a system of theodicy in different manners by appealing to logic in later Christians for instance. The systematic expression of the idea of inherited responsibility, thus, could be viewed as a conceptualization and rationalization of

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<sup>235</sup> Cf. C. K. Martin Chung, "We Take Over the Guilt of the Fathers", in *Repentance for the Holocaust: Lessons from Jewish Thought for Confronting the German Past*, Cornell University Press, 2017; George P. Fletcher, "The Storrs Lectures: Liberals and Romantics at War: The Problem of Collective Guilt", *The Yale Law Journal*, Vol. 111, No. 7 (May, 2002), pp. 1499-1573; Bob Tadashi Wakabayashi, "The Nanking 100-Man Killing Contest Debate: War Guilt amid Fabricated Illusions, 1971-75", *The Journal of Japanese Studies*, Vol. 26, No. 2 (Summer, 2000), pp. 307-340.

collective punishment. *The Taiping Jing* tries to contextualize *chengfu* in a much broader system. Evil in the *Taiping Jing* is part of a rigid cosmology-oriented worldview. Everything within the cosmos interacts immediately with everything else, so that even a minor misdemeanor will cause tremendous cosmic consequences. More specifically, the suffering of the present generational is caused by *chengfu*, the deeds and intentions of men of old-ancestors in the family line, people in general, as well as rulers and administrators. *chengfu* originates either together with heaven, and humanity, in which case it was there always and can only be controlled but never completely eradicated. Or, as a variant theory has it, it began in lower antiquity and marked the final end of a golden age in the past. Solon's understanding of the reception of ancestral faults well corresponds to the idea of *chengfu* in the *Taiping Jing*, with minor variation of course. In Solon, Zeus, the personification of absolute power, oversees the balance of the cosmic order. "As a thinker, he is considered important in the movement towards abstract thought in Greek philosophy".<sup>236</sup> Solon well incorporates inherited responsibility in his newly created thought that stresses aetiology of things, both in nature and in human affairs.

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<sup>236</sup> Cf. K. Reinhardt, "Solon's Elgie ΕΙΣ ΕΑΥΤΟΝ", *RhM*71(1961) 128-135; W. Jaeger, *Paideia*, Eng. Transl. G. Highet. New York repr. 1970, 136-149; F. Will, "Solon's Consciousness of Himself", *TAPhA* 89 (1958), 301-311.

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