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Aeschylus' Tragedy of Law: Kinship, the Oresteia, and the Violence of Democracy

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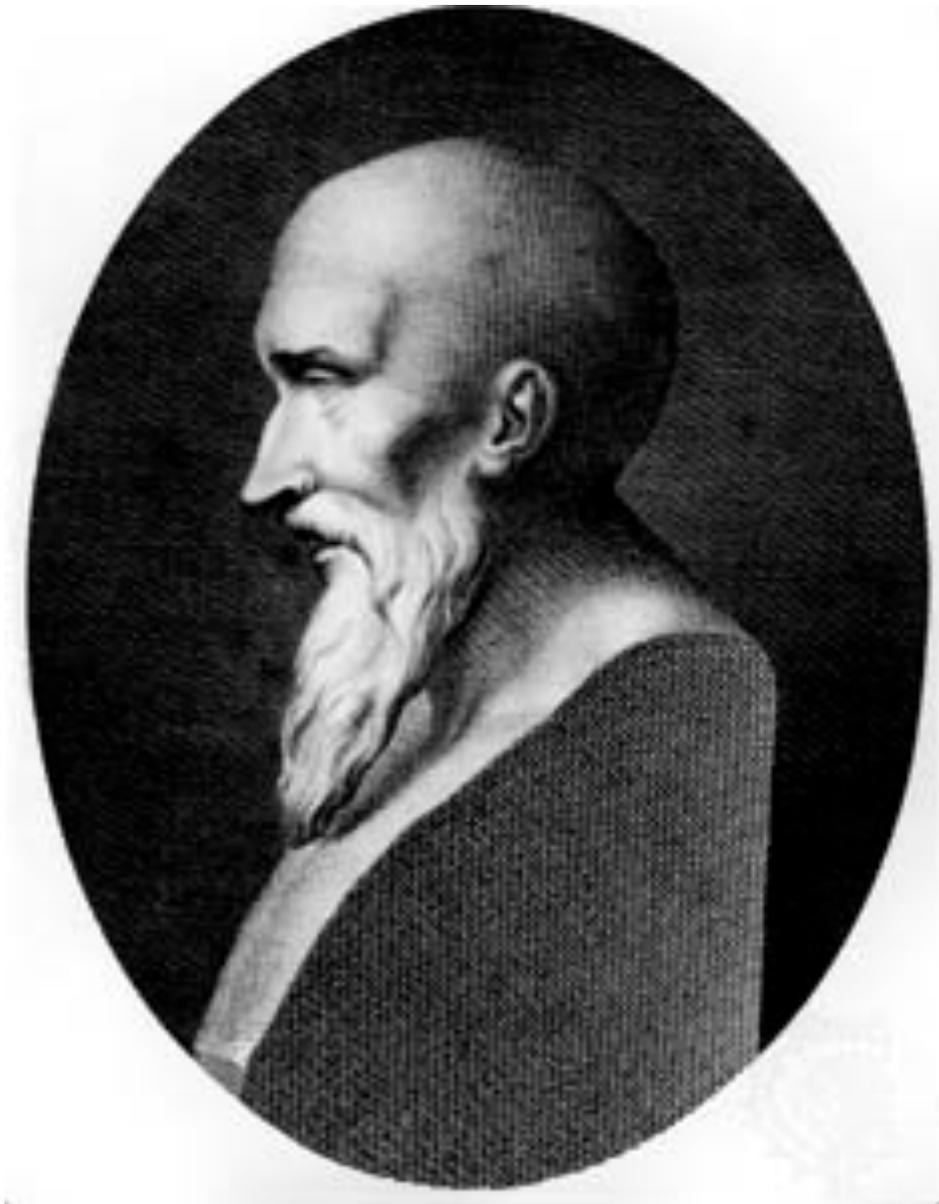


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**Aeschylus' Tragedy of Law: Kinship, the *Oresteia*, and the
Violence of Democracy
Grace Hobbs**

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**AESCHYLUS' TRAGEDY OF LAW: KINSHIP, THE ORESTEIA, AND
THE VIOLENCE OF DEMOCRACY**

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Introduction

To read Greek tragedy, as any text, is to immerse oneself in the culture of a particular people at a particular time. For tragedy, however, this frame of reference is still more specific, limited to the slim interval of the fifth century BC, when it was written for and performed at tragic contests during the yearly festival of Dionysus. Contemporaneous with the birth of Athenian democracy, which re-evaluated and replaced old aristocratic norms, the birth of tragedy involved an equally radical re-evaluation of what it meant to be a man, or to be a citizen. As Greek politicians re-negotiated the terms of the city-state, Greek tragic poets re-negotiated the terms of their own subjectivity.

The new democratic city-state, with its ideal of equality for all citizens, was staunchly at odds with the archaic aristocratic model, which prized the bloodlines of its wealthy families. The shift from aristocracy to democracy was mirrored by a shift from the epic - whose hero was a figure of righteous anger, motivated by wounded pride to avenge the wrongs done to him and his comrades - to tragedy, which questioned just such a position. Insofar as epic was aligned with the stratified social structure of the aristocracy, the epic hero was antithetical to the democratic ideal of equality for all citizens - and therefore, as Vernant observes, rejected. Whereas “the ideal of the City is for citizens to be equal,” he explains, “the heroic ideal is to be always first” (281).

Rather than abandoning it altogether, however, tragedians retained the figure of the epic hero onstage as a symbol of the dangerous past, at odds with the ideology of their present. In the context of tragedy, Vernant notes, the epic hero is no longer a model, but instead “a problem...brought into question before the public. The hero becomes the subject of a debate and interrogation that, through his person, implicates the fifth-century spectator, the citizen of democratic Athens” (242). In this way, Vernant asserts, these residual figures from the epic were useful in maintaining a dialogue with the modern city, representing “mental attitudes, values,

patterns of behavior, a religious thought, a human ideal which is opposed to that of the City,” allowing the city to “enact its own problematics” (279, 281). In Vernant’s formulation,

the City puts itself on the stage and plays itself...It puts in question its own internal contradictions, revealing...that the true subject matter of tragedy is social thought and most especially juridical thought in the very process of elaboration.

Tragedy poses the problems of law, and the question of what justice is. (281)

Just as justice is ambiguous, so too is the tragic hero: as Aristotle instructs in his *Poetics*, the tragic hero is a man neither absolutely despicable nor absolutely innocent, but somewhere in between; he is a good man whose actions, however they are intended, lead him to a harsh fate. The tragic hero seems in the curious position of being at once guilty and not guilty, on one hand responsible for an error in judgment that renders him sole agent in his own downfall and on the other a victim of circumstances beyond his control. Tragedy is concerned with precisely this ambiguity and apparent aporia of justice, and its interrogation of the democratic law of the city represented onstage is part of the way the developing polis works through “its own internal contradictions.”

Indeed, this awareness of its historical and especially its legal milieu was inscribed in the very form the institution of tragedy took in ancient Greece. The tragic contests during the festivals of Dionysus were modeled after the Greek tribunal:

The last act is a judgment, that the tribes have elected judges as they elect judges in tribunals, and that these judges will pass sentence by secret ballot at the end of the ceremony. (Vernant 279)

Even as tragedy enacted the questions of justice that faced the polis onstage, as an institution the tragic contest participated in the very formulation of those questions, mimicking the workings of the democratic legal system. Tragedy represents, Vernant continues, part of an attempt at

establishing a system of popular (as opposed to aristocratic) justice, where individual citizens, through the system of tribunals, regulated “what was formerly the object of a sort of contest among the *gene* of noble families” (279).

While the tragic contest functioned as a microcosm of the deliberative process of democratic justice, the polis itself was concerned with redefining its citizenry along more democratic lines, which involved reducing the power of noble families to influence the populace through eroding the social signifiers of their importance. In the fifth and sixth centuries, this meant placing limits on the self-identifying rituals of aristocratic mourning.

Solon in the sixth century BC and Pericles in the fifth oversaw significant changes to funeral practices, passing laws that limited the length and lavishness of the public funerals of nobility as well as decreeing that they be confined to the private sphere and celebrated only by the close family of the deceased. The *prothesis* (wake), formerly public, now took place in the dead man’s house and was closed to outsiders; and the *ekphora* (funeral procession) was forbidden from the use of professional mourners, generally women over sixty skilled at inducing grief (Foley 22).

The quarantine of aristocratic grief to the private sphere insulated the polis from the destructive effects of wild displays of lamentation. Archaic funerals had served as “an occasion at which the members of aristocratic families or broader groups of kin could gather and display their wealth, power, and generosity to a wider public,” Helene Foley remarks, and “may well have provided opportunities for rival aristocratic kin groups to make public displays of emotion that fostered vendettas or consolidated private rather than public interests” (22, 23).

What is particularly interesting about the legal regulation of grief is that the ordinances regarding mourning applied almost exclusively to women. Believed to aid the dead in their transition to the underworld, funeral lament in ancient Greece was the particular domain of

women, and female lament, Foley reminds us, played “a prominent role at every stage” of the funeral rites:

...at the wake or *prothesis*, during the *ekphora* in which the body was carried by chariot to the grave site, and at the grave site itself. ...The sixth-century legislation purportedly prohibited above all, to quote Plutarch, ‘everything disorderly and excessive in women’s festivals, processions [*exodoi*] and funeral rites.’ (22)

Such lament, Charles Segal notes, was also associated with “a maenadlike release of uncontrollable and disturbing emotions,” source of “an unpredictable and uncontrollable cycle of vendettas” (119). The disruptive power of female lament – capable of arousing in the hearts and minds of citizens a thirst for vengeance for the deaths of their brothers and sons, and fomenting a cycle of violence that could bring the city to its knees – was dangerous to the unity and smooth functioning of the polis, and from this arose the impulse to keep it strictly controlled.

By sanctioning corybantic female grief among the aristocracy, the polis affected a shift in the prevailing philosophy of loss: the “pure grief” at the death of a loved one, the focus of female lament, was replaced by “a masculine and civic effacement of death’s sorrow in civic ‘glory’” (Segal 121). In his famous funeral oration of 431 BC, Pericles set the precedent for the absorption of the individual, private losses of families into the public sphere, promising ‘a most conspicuous tomb’ for those who died in the service of the city (Segal 120). Such a ‘conspicuous tomb,’ according to Segal, consisted of an assurance of civic immortality, “a memorial in the thoughts of men that does not need recording in writing. In such public rituals,” he explains, “the death of the individual is given continuity in the ongoing life of the community and its public functions” (120). In this way, the aristocratic “cult of the hero” was democratized; every man who died for the polis became the subject of civic glorification, and was able to be claimed

by every citizen (Foley 25).

What does it mean, then, that tragedy presents precisely these forbidden funeral practices onstage? Nicole Loraux offers two possible answers. In her earlier writing, Bonnie Honig explains, Loraux believed that by the institution of the tragic contest the city appropriated to itself the dangerous methods of female mourning, staging the banned laments in the space of the theater in such a way as to impress the audience into identification with the polis (7). In her later writing, however, Loraux reexamines tragedy's relationship to the city and finds it subversive rather than complicit (Honig 7). Instead of imposing civic ideology on the members of the audience, Honig writes of Loraux, perhaps tragic theatre invited the audience to join an extra- or non-political community by the use of the "non-discursive" sounds of lament, which are a "universal voice, cry, or suffering" (7). Rather than being purely mimetic in its representation of mourning, Loraux contends that tragic theatre presents an archetypal version of the mourning mother – not merely a portrayal of funeral practice, but a *model* for it. The lament rejected from the public political sphere finds its way into the theater, where it becomes not less dangerous, but more. Tragedy *embodies* lament; the prohibited mourning presented onstage dramatizes "the essential exclusions the city has instituted for the citizens' use:" the exclusion of women from the funeral and from the family points to an injustice the polis prefers not to acknowledge (Loraux 11).

It is with an understanding of this context that we read Aeschylus' *Oresteia*, exceptional within the tragic canon not for staging displays of banned funeral lament, but for its lack of them. The events of the *Oresteia* enact the extreme results of political (in the sense of sanctioned by the polis) suppression of mourning by explicitly dramatizing its effects on the family. The *Oresteia* is deeply concerned with mourning as a means of identification: the family mourns its own; those deaths that the family does not mourn are necessarily outside the family. Trouble

arises when deaths *within* the family are not mourned, for how then are its members to recognize each other? Each of the three deaths in the *Oresteia* – Iphigeneia’s death at her father Agamemnon’s hand, Agamemnon’s death by his wife Clytemnestra, and Clytemnestra’s by her son Orestes – is in an effort to define the family, and the position within (or without) it of both the murderer and the murdered. What appear to be three identical crimes, however, reveal themselves to be subtly different in intention and object, even as they mirror each other in form.

That the murders within the *Oresteia* are intrafamilial places them at a crucial intersection of divine (archaic, religious) and human (modern, political) law. While it is certainly true that, as Helene Foley notes, one can trace in the plays “an evolution from a remote archaic world to one that closely prefigures the institutions of classical actions,” such a purely programmatic view of the role of justice in tragedy neglects to consider the significance of its evolution (26). The *Oresteia*’s performance of the transition from the law of vendetta to the law of the courts is not in question; what Foley and other scholars fail to connect is the self-identification of lament, synonymous with vendetta and therefore legally regulated and suppressed, with the preservation of the family and the internal recognition of its members. The murders among the Atreidae would be less extraordinary if they were not unmourned: but that each death initially *is* unmourned throws the boundaries of the family - and, as the *royal* family, the city - into flux. In the *Oresteia*, the law isn’t just represented in tragedy. The law engenders tragedy.

Chapter 1: Mourning, Murder, and Mutable Kinship

CHORUS. *Woe, woe, through the act of Zeus,*

cause of all, doer of all;

for what is accomplished for mortals without Zeus?

Which of these things is not god-ordained? (Agamemnon 1484-1487)

Crime and Punishment

Critics who identify Agamemnon as the tragic hero of the eponymous first play in Aeschylus's trilogy point either to his hubris or the curse upon his family as cause of his death – and, strictly speaking, neither stance is wrong. Shaken by Cassandra's pronouncement of impending doom, the Chorus reflects that perhaps Agamemnon “is to atone for the blood of some who are of the past/and by dying for the dead is to ordain/a penalty that consists in other deaths...” (*Agamemnon* 1338-1340). Here the chorus invokes the *daimon* of the house of Atreus, a curse that goes back to its foundations and finds new sustenance with the crimes of its successive generations. This *daimon* is identified across the plays interchangeably with the Erinyes, those avengers of violated kinship, and more directly with divine justice, as “a grace that comes by violence from the gods” (*Agamemnon* 183).¹

Justice for pre-Socratic thinkers like Aeschylus is a pattern of divine causality inscrutable to humans that governs the whole universe (Lloyd-Jones 80). Humans, remarks Lloyd-Jones, lack “*gnomai*, the knowledge of right and wrong that dictates right action,” but the gods do not. While men may view some things as just and others unjust, to the gods *everything* is fair and just because they understand “the Logos, which holds the key to that Dike which is at once justice and the order of the universe” (84). That Logos, he goes on to say, is identical with Zeus (84).

Zeus embodies the law of the universe, and as foremost among the gods, he protects his rule from divine challenges as well as presides over the lots of men who do each other injustice

on earth (87).

...The doctrine that Zeus punishes men for their offences against each other implies that the successive crimes and punishments of men must form a pattern too complicated for humans, in most cases, to make out... In time, Zeus punishes all injustices of men to men. (80)

Time is the key to understanding Zeus's *logos*: his punishment can stretch beyond the present, rendering it unintelligible to mortals. It extends into past and future, able to be visited on the guilty man himself, or on members of his family generations hence. When Tantalus, first progenitor of the house of Atreus, dared to test the gods' omniscience by serving them his son for supper, his hubris brought about not only immediate punishment, but cursed his whole line. His grandson Atreus, having murdered his brother Thyestes' children, served them to their father in a similarly gruesome feast; when Thyestes realized his error he fled, consulted an oracle, and raped his daughter Pelopia to conceive the son – Aegisthus, Clytemnestra's lover – who would grow up to murder Atreus, whose own sons Agamemnon and Menelaus, inheriting the curse, are likely to commit equally horrifying crimes. The *daimon* – the curse personified that is the justice of Zeus – is and guarantees the cycle of violence that haunts the Atreidae. But Zeus does not, as Lloyd-Jones notes, punish the innocent:

...When in the *Niobe* a speaker says that Zeus occasions guilt in mortals, when he has decided utterly to destroy a family, that does not mean that he makes such a decision for an arbitrary reason; rather, he destroys a family only when its members have been guilty of some grave crime. (87)

Zeus does not decide utterly to destroy a family for an arbitrary reason, but the occasion on which he decides to strike may well be an arbitrary one. Agamemnon has not committed a single crime, but many, and thus the sources of his guilt are multiple: he has permitted the

horrific slaughter of the Trojans and the desecration of their temples; at his homecoming he trod on precious tapestries meant only for the gods; and – here is the incident most critics dismiss, as Iphigeneia’s sacrifice is necessary if Agamemnon is to carry out Zeus’s will at Troy – he has murdered his own daughter. Situated thus, it seems Agamemnon cannot escape a terrible fate: a criminal member of a criminal family, he is condemned to suffer the fearsome justice of Zeus. But for which crime?

For any. For all. N.J. Sewell-Rutter, in his exploration of inherited guilt, dismisses the idea that there is “one paramount causal factor in the death of Agamemnon to which the others are subordinate” (21). As a complement to Lloyd-Jones’s articulation of the workings of the justice of Zeus, Sewell-Rutter outlines the three interconnected factors that determine when Zeus strikes: the crime of the doer, the crimes of the fathers, and fate (*μοιρα*) or necessity. The crime of the doer is the immediate crime, an act that in itself is criminal and demands to be punished – for example, Tantalus’s crime of serving his son to the gods in order to test their omniscience. The timeless justice of Zeus, however, might punish one man’s immediate crime by visiting itself upon future generations, as is the case with the house of Atreus: not only was Tantalus himself punished for his hubris, but his entire family line is cursed. The *daimon* of the house of Atreus refers both to the static condition of the family – cursed with what Sewell-Rutter describes as “a similarity of character [that percolates through the generations] that itself predisposes the inheritor to self-destructive folly” – and to the active “ancient savage avenger” that seeks to punish family members (10). The justice of Zeus, paradoxically, both visits the punishment and occasions the crime, to the extent that in cases like that of the house of Atreus, the crime *is* its own self-perpetuating punishment.

The last factor is the fatedness or necessity (*μοιρα*) of punishment. Sewell-Rutter cites the case of Mycerinus, a pharaoh in Herodotus’ *Histories*, who learns that he must die precisely

because he has been a good man: his ancestors “lived long lives of outrage and iniquity,” but Mycerinus, unlike them, did not realize that Egypt was condemned to suffer for 150 years – and so his very piety and justice are “a violation of necessity, a violation that will be duly punished” (7). By the same logic, even if Agamemnon were *not* to commit a crime – if he were to live an irreproachable life – to do so would be to thwart the destiny of his family and defy the sentence of ruin (the *daimon*) given by Zeus, which would itself be a crime. In order for Zeus’s justice to be carried out on the house of Atreus, Agamemnon *must* be punished.

From this it becomes clear that regardless of its cause, Agamemnon’s death is a foregone conclusion, and given the manifold nature of Zeus’s justice and Agamemnon’s guilt, his death is a just death. But if that is the case, why doesn’t the story end there? What is it that necessitates another death, another two plays? The punishment, undeniably just, cannot terminate the cycle of violence – for indeed, the cycle of violence is part of Zeus’s justice.

In the knot of causality leading up to Agamemnon’s death, his decision to kill his daughter is the thread – the act – that has the greatest bearing on the events of the *Oresteia*. Even that single thread, however, unravels into several more: *is* Iphigeneia’s death a murder, as Clytemnestra claims? Did Agamemnon murder his daughter? Or did he merely carry out his kingly duty by sacrificing the victim chosen by the oracle? When Agamemnon engineered his daughter’s execution, was it as her father or as the king? The act and the role are intertwined: as king, Agamemnon made a blameless sacrifice; as father, he committed egregious blood crime. The fact of Iphigeneia’s death is extraordinarily complicated politically, not only because it blurs the line between murder and sacrifice, but because it blurs the relation between Iphigeneia and Agamemnon, creating an antithetical tension between the roles of father/daughter and ruler/subject that has a bearing on the reciprocal violence that follows. Iphigeneia’s death is of utmost importance as the originary crime of the *Oresteia* because it colors the actions – bloodies

the hands – of all the murderers in the house of Atreus.

Murder, Sacrifice, Tyranny

The Chorus, recounting the events leading up to the Trojan War as they anticipate their master's return, provides the most complete account of Iphigeneia's death. With his soldiers near mutiny as the ships idle in the harbors at Aulis, buffeted by storms that have crippled their food supply, Agamemnon consults an oracle to determine the remedy, and is met with the response that only the sacrifice of his daughter Iphigeneia will satisfy Artemis, the source of the rough winds. Agamemnon ponders:

AGAMEMNON. A grievous doom is disobedience,
and a grievous doom it is
if I massacre my daughter, the pride of my house,
polluting with streams of slaughtered maiden's blood
a father's hands hard by the altar. Which of these courses is free from evil?
How am I to become a deserter of my ships,
losing my allies?
For that they should long
for a sacrifice to still the winds and for a maiden's blood
with passion exceeding passion
is right in the eyes of heaven. May all be for the best! (*Agamemnon* 205-217)

We can see Agamemnon struggling to determine the right course of action, giving voice to the conflict between political, familial, and divine duty. As Agamemnon introduces the idea of killing Iphigeneia, he himself ("I") is at first explicitly the agent of her death, and he identifies Iphigeneia as his own daughter. The winds quickly begin to turn, however, when he adds the qualifier *the pride of my house*, describing a relationship not strictly lineal: the *house*, the enclosed

domestic sphere, is the unit on which the polis is built and refers not to specific relations within the family, but to the family as a sociopolitical entity. Immediately afterward, the specific Iphigeneia, his own daughter, is reduced and abstracted by synecdochic sleight of hand to “streams of slaughtered maiden’s blood” – no longer daughter, merely a nameless maiden; no longer even a living maiden, merely streams of blood – and Agamemnon begins to distance himself from his fatherhood, abandoning the agent “I” in favor of the oblique “a father’s hands.” Agamemnon severs himself fully from his paternity when he again takes up the “I” in his kingly aspect: “How am *I* to become a deserter of my ships,” he asks, “losing my allies?” Finally, he yields to the necessity of the sacrifice (it is “right in the eyes of heaven”) and hopes that “all [will] be for the best,” surrendering himself to Zeus’s will.²

The Chorus, however, makes it clear that Agamemnon will not get off so easily, placing responsibility for Iphigeneia’s death squarely on his shoulders.

CHORUS. And when he had put on the yoke-strap of compulsion,
 his spirit’s wind veering to an impious blast,
 impure, unholy, from that moment
 his mind changed to a temper of utter ruthlessness.
 For mortals are made reckless by the evil counsels
 of merciless Infatuation, beginner of disaster.
 And so he steeled himself to become the sacrificer
 of his daughter... (*Agamemnon* 218-225)

As the Chorus relates it, Agamemnon makes a conscious decision to kill his daughter (“when *he* had put on the yoke-strap of compulsion,” naming Agamemnon as the agent who chooses to saddle himself with divine necessity), and “from that moment” he is changed irrevocably. Suddenly Agamemnon is blown off course by “an impious blast” from “merciless Infatuation,

beginner of disaster,” and from a father he transforms into a man of calculating and “utter ruthlessness.”³ The decision itself, as well as Infatuation’s “evil counsels,” are consistently described negatively: impious, impure, unholy, disastrous. Regardless of Agamemnon’s initial intentions, and regardless of necessity and the good it will do his city, Iphigeneia’s death is still criminal, a pollution on his hands and on his house.

The account of the execution itself makes plain the depth of Agamemnon’s lack of feeling for his daughter, as he kills her not like a human, but like an animal:

CHORUS. ...and her father told his servants after a prayer
to lift her face downwards like a goat above the altar,
as she fell about his robes to implore him with all her heart,
and by gagging her lovely mouth
to stifle a cry
that would have brought a curse upon his house;
using violence, and the bridle’s stifling power. (*Agamemnon* 228-238)

Far from “[stifling] a cry/that would have brought a curse upon his house,” Agamemnon’s sacrifice of Iphigeneia enacts the curse and guarantees further bloodshed. While he does succeed in procuring favorable winds to sail to Troy, in another sense Iphigeneia’s death is a failed or corrupt sacrifice, because it is still a horrific crime that demands to be avenged. Indeed, the sacrificial nature of Iphigeneia’s death is precisely what problematizes it: in choosing to sacrifice his daughter, Agamemnon disowns her and denounces his fatherhood with the very act that asserts the ultimate claim of his paternity. Such contradictory actions that simultaneously exercise and undermine a claim repeat themselves throughout the *Oresteia* with a regularity that demands attention.

The Greek political system is one of patrilineal naming, in which children belong only to

the father. Sons bear the family name while daughters are treated as so much property, whose exit from the family at the time of their marriage functions as a way to establish diplomatic ties with another family (Zakin 183). In such a system, Iphigeneia is subject to her father's whim: Agamemnon has the right to do with her as he pleases, even to the point of sacrificing her. In asserting his claim to his daughter in such a way, however, Agamemnon places Iphigeneia outside the family - not a daughter, but any other maiden, killed "like a goat above the altar" - because her sacrificial status renders her politically unmournable.

Had she died any other way, Iphigeneia's death would have been mourned in the house of Atreus - but as a sacrifice, her tie to the family is erased by the erasure of her claim to be mourned, positioning her as something else, someone *outside*. But Agamemnon's renunciation of Iphigeneia also works in reverse: if in her sacrifice she is no longer his daughter, he is also no longer her father. Thus Agamemnon abdicates the very role that grants him a legal right to his daughter, and steps down from his fatherhood. When he sacrifices Iphigeneia, Agamemnon acts only as king, and not as father.

In renouncing his lineal tie to his daughter before the gods and Argos, Agamemnon splits himself in two, severing his fatherly aspect from his kingly one. He bases his right to sacrifice Iphigeneia, then (although that right is borne out legally by the fact of the paternity he has renounced), on his kingship and the obligation of the king to act in the interest of his people. It is at this moment, however, that Agamemnon steps even beyond kingship and into the realm of the tyrant.

In her essay "The Tyranny of Reason in the World of the Polis," Arlene Saxonhouse explains tyranny as the ancient Greeks understood it, a term that suggests "freedom from the past" because it referred to a *new* ruler, "whose legitimacy did not reside in his bonds to the ancient rulers and ancient families" (1261). The tyrant rules by virtue of his reason rather than

his lineage, and as such represents a liberating transcendence of archaic clan privilege. But this boundary-blurring is the particular blessing and curse of the tyrant: while tyranny was originally conceived as the freedom to break away from what was old and limiting, tyrants are often faulted for failing to recognize *appropriate* boundaries, between the public and private spheres. Not only does the tyrant “[use] the wealth of the city as if it were his own and the people as if they were his slaves,” Saxonhouse writes, but he is also

the one who ‘moves ancestral laws and forces himself on women and kills men who have not been tried’ (3.80.5 [1927]). ...Freed from all shame, making no distinctions between men and women, beasts and men, women and gods, he does not hesitate to murder any man or sleep with his mother or any god or beast (571cd; cf. *Oedipus* 791 [1928]). In Socrates’ stylized history tyranny follows a democracy where citizens see no boundaries between citizen and noncitizen or between human and animal. (1263, 1267)

Thus it is when Agamemnon sacrifices his daughter and abdicates his lineal position in his family that he acts most as king, thinking of his city first – but in doing so he also collapses public and private spheres, removing Iphigeneia from the private sphere of the family and placing her in the abstract sphere of the polis. If Iphigeneia is not a family member, her sacrifice is no more a crime than the sacrifice of any other citizen; indeed, as a woman and therefore a noncitizen, her death is truly no different from that of any other maiden demanded by the gods, or even an animal. Removed from the family, Iphigeneia is no longer unique, but interchangeable, her life worth no more or less than any other in the polis. If Iphigeneia is interchangeable with any other citizen, by extension *all* citizens are interchangeable with each other: the singularity and irreplaceability of an identity based on the natal family has been erased in order to reconstitute the family as a sociopolitical structure wholly absorbed by and subservient to the city.

Murder and its Mirrors

If sacrifice means Agamemnon is not legally culpable for the murder of his daughter, the fact remains that he has deprived his wife of her child. Defending her murder of Agamemnon to the Chorus, Clytemnestra points out that her crime cannot possibly be worse than her husband's:

CLYTEMNESTRA. Now you pass judgment on me of exile from the city
 And declare that the citizens' hate and the people's curse shall be mine,
 though then you raised no opposition to this man,
 who holding it of no special account, as though it were the death of a beast,
 where sheep in their fleecy flocks abound,
 sacrificed his own child, a travail
 most dear to me, to charm the winds of Thrace?
 Was it not he whom you should have driven from this land,
 as penalty for his polluting act? (*Agamemnon* 1412-1420)

If the two deaths are to be compared at all, Clytemnestra insists, it should be as equivalent. Not only did Agamemnon sacrifice "his own child," echoing the crime of his ancestor Tantalus, but *her* own child, too. Clytemnestra utters a plaintive claim to her daughter when she refers to Iphigeneia as "a travail most dear to me" (1417-18). This "travail" is Iphigeneia's birth, and Clytemnestra's invocation of the pain of forcing a child from her womb is an implicit iteration of her lineal tie to her daughter by reminding her listeners that Iphigeneia's natality is not something that can be erased, despite the fact that the patronymic system denies a mother legal right to her children. Clytemnestra cannot step back from her position as mother in the same way Agamemnon can his fatherhood: the fact of her motherhood is written on her body. If the people of Argos did not exile *Agamemnon* from the city, she reproaches, and condemn *him* with

their hate and their curses for committing so great a crime, then surely her own murder should be so absolved. This vein of argument gains credence as Clytemnestra demonstrates the ways in which her crime mirrors Agamemnon's: she does not merely kill her husband, she sacrifices him; the sacrifice is not unsolicited, but carried out at divine command; and when the deed is done, she erases Agamemnon from the family by leaving him unmourned.

From her very first speech describing Agamemnon's death to the Chorus, Clytemnestra stresses its place in the scheme of Zeus's justice:

CLYTEMNESTRA. For me this contest, sprung from an ancient quarrel,
has been matter for thought long since; but in time it has come;
and I stand where I struck, with the deed done. (*Agamemnon* 1377-1379)

These lines speak both to the *daimon* of the house of Atreus and to Clytemnestra's absolute grief at losing her daughter ten years previously. By designating "this contest" (Agamemnon's murder) as having "sprung from an ancient quarrel," Clytemnestra locates it within the lineage of violence of the house of Atreus, province of the family *daimon*; for her in particular, however, it has been "matter for thought long since" Iphigeneia's death. Abandoning her reflection, Clytemnestra remarks that "in time it [this contest] has come;/and I stand where I struck, with the deed done," implying that the immediate crime of Iphigeneia's death and the "ancient quarrel" are equally compelling as factors determining Agamemnon's demise.

Indeed, she later suggests, that "ancient quarrel" is truly what is responsible for Agamemnon's fate. Just as Agamemnon's legal right to sacrifice his daughter was predicated as much on his kingship as on his paternity, Clytemnestra appeals to the *daimon* as a higher power to justify her crime.

CLYTEMNESTRA. You aver that this deed is mine.

But do not consider

that I am Agamemnon's consort!
 But manifesting himself to this dead man's wife,
 the ancient savage avenger
 of Atreus, cruel banqueter,
 slew him in requital,
 sacrificing a grown man after children. (*Agamemnon* 1497-1504)

By invoking the *daimon*, Clytemnestra severs herself from her act of murder as well as from her marriage. We begin to see this in her syntax: rather than using the personal pronoun 'I,' she refers to herself in the third person as "this dead man's wife," and where at first she claimed the deed outright, now she shifts slightly away from it and demurs to the accusations of the Chorus with "You aver that this deed is mine." Moreover, she disavows to a certain extent her own agency by alleging that the *daimon* ("this ancient savage avenger") showed itself to her and made her the instrument of its vengeance. "This dead man's wife" may have committed the murder, but it was truly "that ancient savage avenger" that slew Agamemnon, and Clytemnestra herself is distinct from both: the present "I" who is not Agamemnon's consort has separated herself from "this dead man's wife" who killed her husband at the behest of the family *daimon*.

The *daimon* - Zeus's "grace that comes by violence" - represents a divine ideal of justice that grants Clytemnestra's actions the legitimacy they are denied by her position in the polis. Rather than political agency, Clytemnestra claims divine agency, and in this light her actions likewise become extra-political, for the claim she makes is an atemporal one. To identify herself as the tool of the *daimon* is to position herself within the tragic mythology and chronology of the house of Atreus, adding an element of preordination that (because she is acting as the instrument of justice rather than as its object) should absolve her of guilt.

More significant, however, is when Clytemnestra perverts the vocabulary of sacrifice in

reference to her murder of Agamemnon, explicitly reproducing his crime:

CLYTEMNESTRA. I struck him twice; and while uttering two cries
 he let go, where he was, his legs; and after he had fallen
 I added a third stroke, a votive offering
 for the Zeus below the earth, the savior of corpses.
 So did he fall and quickly breathed away his life,
 and spouting out a sharp jet of blood
 he struck me with a dark shower of gory dew,
 while I rejoiced no less than the crop rejoices
 in the Zeus-given moisture at the birth of the bud.
 So stands the case, my honored lords of Argos here;
 rejoice, if you will rejoice, but I exult in it.
 And if one could pour over a corpse libation of a fitting liquid,
 it would be just to pour this, no, more than just!
 Such a mixing bowl of evils, sprung from the curse, did he
 fill up in the house and return himself to drain! (*Agamemnon* 1384-1398)

As Lloyd-Jones notes in his translation of *Agamemnon*, the sum of Clytemnestra's statements is bitterly ironic: making a votive offering to Hades (who eschewed human sacrifice) "carries the effect of powerful paradox;" pouring libations to "the Zeus below the earth" transforms her actions into a ghoulish parody of the honors done to Zeus at banquets (64, 103). Even her choice of comparison ("I rejoiced no less than the crop rejoices/in the Zeus-given moisture at the birth of the bud") suggests blasphemy, first because it twists Zeus (who in his aspect as sky-god sends the rain) into complicity with her, and second because in her rejoicing Clytemnestra parallels a different crime of Agamemnon: the gratuitous sacking of Troy. Not only has

Clytemnestra committed an egregious crime by murdering her husband, but she is unrepentant and even *exults* in it, something still more unholy.

This is evidenced most clearly when Clytemnestra defiantly challenges the violence that the Chorus predicts as the consequence of her crimes:

CLYTEMNESTRA. I swear by the justice accomplished for my child,
and by Ruin and the Erinys, to whom I sacrificed this man,
for me no expectation walks the hall of fear... (*Agamemnon* 1432-1434)

Convinced of the righteousness of her cause, Clytemnestra treads further into the territory of blasphemy and designates Agamemnon's death as a sacrifice *to the Erinys*, and boasts that she fears no retribution. These are the sentiments that culminate in her assertion that she, as a tool of the *daimon*, "[sacrificed] a grown man after children" – the children of Thyestes, whom Agamemnon's father brutally murdered even before Agamemnon was born, and after his own daughter Iphigeneia.

Although Clytemnestra herself never explicitly links the sacrificial nature of her husband's death with her ban on mourning him, the two are clearly connected. The crime Clytemnestra commits when she murders her husband, legitimized by her claim to sacrifice and to the *daimon*, mirrors almost exactly Iphigeneia's sacrificial death, which Clytemnestra's act avenges. Not only does Agamemnon's death remove him from the family and deny him a right to their remaining children in life, but Clytemnestra's public and private bans on mourning him effect the total renunciation of his family that he chose when he sacrificed Iphigeneia. Agamemnon, too, has no place in the family. He, too, is replaceable.

Mourning as Kinship

The sacrificial ban on mourning Iphigeneia functions as an attempt at erasure of the natal tie between mother and child. Regardless of whether she is legally bound as Agamemnon's wife

to accept her husband's decision to sacrifice their daughter, as Iphigeneia's mother Clytemnestra has an incontrovertible claim to mourn her - but precisely *because* Iphigeneia has been *sacrificed*, Clytemnestra is barred from expressing that claim. Unable to mourn Iphigeneia *qua* daughter but faced with the fact of her natality, Clytemnestra is lost to what Nicole Loraux designates *absolute grief*:

...a sorrow that does not forget and feeds on itself, and that is dangerous for those around the mother whose mourning has congealed into a confrontation with herself and others... (44)

What is dangerous is that the source of such grief never fades into the background, but remains a wound rubbed raw at every opportunity, and its claim to redress is likewise constantly present.⁴ As long as Clytemnestra is not permitted to mourn her daughter as kin ought to be mourned, Iphigeneia's death remains present; each day she feels it afresh. Moreover, Loraux observes, as the irremediable loss remains repressed, the mother's pain transforms from absolute grief into *mênis*, a "repetitive and endless rage" that demands retribution (44). Insofar as mourning and vengeance arise from the same impulse, then, the two can be conflated: mourning *is* vengeance, and vengeance is murder. Because Agamemnon's sacrifice of Iphigeneia bars Clytemnestra from recognizing her daughter by mourning, justice - remittance of the sacrificial ban - can only be achieved by vengeance, by murdering the murderer. Her act of murder *is* an act of mourning; she recognizes Iphigeneia's death *as the death of her daughter* by avenging it.

Loraux identifies this aspect of Clytemnestra as exceptional among the cadre of tragedy's female murderers, who almost universally kill their sons rather than their spouses. "It is not that these heartbroken mothers kill the children to whom they gave birth," she writes, "but because the father annexed them to his own power, they thereby destroy the father in the husband" (Loraux 51). Murdering the children is the most effective way to destroy their father, because "it

deprives [him] of the arrogant tranquility [that his] sons will perpetuate his name and lineage” within the patronymic Greek system (51).

But because Agamemnon has already destroyed the father in himself by murdering his daughter, what remains for Clytemnestra is to destroy the husband in the father. This renders Agamemnon’s death unusually tidy: that Clytemnestra murders him has no bearing on his lineal status because he has *already* renounced his children; if she commits a crime at all it is as a wife against her husband. However, just as Agamemnon’s murderous sacrifice of Iphigeneia (which denied her the right to be mourned by her family) indicated a renunciation of his children, Clytemnestra issues a private and a public ban on mourning his death that designates him an outsider to both family and city. Addressing the Chorus, who ask her accusingly who will lament their king, Clytemnestra replies

CLYTEMNESTRA. It does not fall to you to take thought for this
 duty; by my hand
 He fell, by my hand he died, and my hand shall bury him,
 To the accompaniment of no weeping from the house.

(*Agamemnon* 1551-1554)

In these lines Clytemnestra institutes a ban on publicly mourning Agamemnon by depriving the citizens of Argos (represented by the Chorus) of participation in his funeral, first by dismissing them (“It does not fall to you to take thought for this duty”) and second by claiming as the agent of his death (having already denounced her wifeness) the exclusive responsibility for mourning him. By preventing the polis from mourning its ruler, Clytemnestra effectively exiles Agamemnon from Argos as well, marking him as an outsider in the same way he marked Iphigeneia.

Having claimed the sole right to mourn her husband, it is significant that immediately

afterward Clytemnestra declares that she shall bury him “to the accompaniment of no weeping from the house.” This functions as a private ban on lamentation, one that underscores Clytemnestra’s estrangement from him. Denied the mourning proper to kin, Agamemnon, too, is un-*oikos*: he is not one’s own, and as such his death does not merit lament. Returning to the earlier passage where Clytemnestra invokes the *daimon* to absolve herself of Agamemnon’s murder, we see that she also goes so far as to deny her conjugal tie to him altogether:

CLYTEMNESTRA. You aver that this deed is mine.

But do not consider

that I am Agamemnon’s consort!

But manifesting himself to this dead man’s wife,

the ancient savage avenger

of Atreus, cruel banqueter,

slew him in requital,

sacrificing a grown man after children. (*Agamemnon* 1497-1504)

Do not consider that I am Agamemnon’s consort! Clytemnestra rejects with obvious distaste her marriage to Agamemnon, which suffered irreparable damage the moment he murdered their daughter. Certainly, as soon as he became a dead man, she ceased to be his wife. If the institution of marriage in the Greek political system is a contract that binds the procreative power of women to their husbands’ will (by allowing them to control the production of heirs), it functions as another iteration of the father’s absolute claim to his children: by appropriating female reproductive power, marriage allows the father to write the mother out of procreation entirely (Murnaghan 197). The discourse surrounding the role of mothers in ancient Greece is telling:

Fantasized by a Greek, the mother is marked but does not mark, and writing

would sooner be the symbolic element of reproduction, because if the woman's inside is like virgin wax, Artemidorus will say the imprints of letters are like the children that she receives. (Loraux 75)

A woman who becomes a mother within the institution of marriage yields to it her motherhood. Legally, the mother/wife is merely a vessel, "virgin wax" for the father to imprint himself upon. The family is inscribed upon her, but she cannot be inscribed into it; if she wishes to make a home within the polis she must resign herself to being alien to her family. Indeed, Loraux notes, the ideal or "just" mother does not even resemble her children:

...the just mother is a mother who lives under the regime of *dike* – because, under the government of a good king, the just rulings of justice go together with women giving birth to sons who resemble their fathers. ...Since legitimate filiation is at the very heart of justice, only the mother who knows what reproduction means deserves the title Just: to reproduce the father means to provide a true replica without any trace remaining on the child of her who nourished and gave birth to him. (Loraux 71-72)

That this naturally underlies Agamemnon's fatal claim to Iphigeneia is another reason for Clytemnestra to reject it: even if she accepted the terms of marriage while her children lived, surely Agamemnon's filicide dissolved the conjugal tie.

Clytemnestra refuses to mourn Agamemnon in his aspect as husband *because* he has already waived his right to be a father, and in doing so she shuts him out of the family completely: he has neither a tie to his children by blood nor to her by marriage, which leaves Clytemnestra, curiously, in the position of sole progenitor of their immediate family, the same position Agamemnon occupied within the patronymic system.

Now it becomes clear how closely her twin bans are intertwined: As Clytemnestra

considers herself only to have killed her daughter's murderer (and not Iphigeneia's father or her own husband), her refusal to mourn Agamemnon within the house merely reiterates the fate he already chose for himself on the level of their children, and adds to it her own renunciation of him as a husband. However, when Clytemnestra supplements this private ban with her public one, she collapses the roles Agamemnon tried to separate back into a single man. Because Agamemnon had a legal right (as king if not as father) to sacrifice Iphigeneia, Clytemnestra cannot feasibly negate the citizens' duty to their king; her ban on his public mourning cannot succeed unless she invalidates his kingship. This is exactly what Clytemnestra does: she invalidates Agamemnon's kingship *on the basis of his fatherhood*, claiming that the same crime which made him a bad father – the murder of Iphigeneia – also makes him a bad king, and her public ban attempts to erase him from the city in the same way the sacrificial ban on mourning Iphigeneia attempted to erase her motherhood. Paradoxically, in condemning Agamemnon this way, Clytemnestra binds his actions as father to his actions as king just as she appears to cut him off from the family entirely.

Justice

Whether intentional or inadvertent, Clytemnestra's murder of Agamemnon has the effect of an absolute inscription of herself into the family by usurping his position within the polis. But while her claim to their children rests on the biological fact of their natality rather than on an arbitrary legal right assigned by the polis, Clytemnestra subverts political law in the same tyrannical way her husband did in order to make that claim. Agamemnon abdicated his fatherhood in favor of his kingship and relinquished his paternal claim at the very moment of its greatest strength, and the sacrificial nature of Iphigeneia's death placed her doubly outside the family. Clytemnestra renounces her husband and denies his part in the creation of their family to act solely as mother, avenging her daughter's murder by killing Iphigeneia's murderer. By

fracturing their identities in this way, Clytemnestra and Agamemnon reposition themselves in relation to the objects of their murders: Agamemnon is not guilty of killing his daughter because he is no longer her father; Clytemnestra is not guilty of killing her husband because she is no longer his wife. At the same time, they wield the law – Iphigeneia is politically un-mournable, Agamemnon is denied both public and private lament by Clytemnestra's ban – in order to designate those objects as outside the family, denying them the right to claim themselves kin. Clytemnestra's murder of Agamemnon may have allowed her to usurp his position of power within the polis, but the claim she exercises on her children from that position is the same radically exclusive sole claim that stands in opposition, ironically, to the facts of lineal descent, which demand two parents and not just one.

Regardless of how they reason their way out of it - by murder or by sacrifice, by claiming motherhood or abdicating fatherhood – Clytemnestra and Agamemnon cannot truly separate themselves from their crimes, nor can they change biological fact. Indeed, Clytemnestra's sole claim to their children, predicated on both their natality and Agamemnon's failure to be a father, acknowledges the impossibility of its own terms when it reunites Agamemnon's aspects as father and king. In the house of Atreus, blood ties are recognized only by blood crime: if Agamemnon's sacrifice of Iphigeneia is the extreme claim of his paternity, he is guilty of the murder of kin by that same claim and his death is just; if Clytemnestra claims her motherhood by murdering her husband she does so in defiance of the laws of the polis even as she positions herself within them. Unable to be parent and spouse at the same time, the fracturing of Clytemnestra and Agamemnon's identities reveals the violence inscribed in the roles of kinship delineated by the patronymic political system, which depends on the valuation of one kind of tie (paternal) over another for its own stability. The law allows for the redefinition of kinship in ways that are contrary to natality and lineality, making fluid the boundary between family and

city. It is the law that allows tyranny, and Zeus who corrects it.

Despite the similarity in their execution, each of the murders among the Atreidae is perpetrated for a different reason, and it is here that we encounter difficulty in the dispensation of justice. Agamemnon's murder of Iphigeneia is a political sacrifice, while his death by Clytemnestra's hand is an act of familial vengeance. And when Orestes arrives in the second play to murder his mother, he does so on divine edict, an explicit demand from the gods to commit an act that is irrefutably criminal. While none of the Atreidae may recognize the place of their actions in the scheme of Zeus's *logos*, each of the murders is nonetheless part of his justice. After all, "the case of his murderers against Agamemnon is not unjust," as Lloyd-Jones notes, "only they must expect that the curse upon the family will strike them down in their turn" (91). Thus Clytemnestra's grasp at the *daimon* does not free her from guilt: in the eyes of Zeus it does not matter whether she was the instrument of his justice, just as it didn't matter that Agamemnon was the instrument of his justice against Troy. Even if influenced by the *daimon*, her actions and her crime are hers alone. Zeus the all-powerful also mandates agency for his human subjects, declaring each man solely responsible for his works, with good or ill to befall him in accordance with his deeds.

Orestes, however, appears to escape this fate. While his matricide certainly is in line with the justice of Zeus, that his mother's death goes unavenged decidedly is not. Rather than prolonging the cycle of violence that is the justice Zeus metes on the house of Atreus (which, while Orestes himself might have been given a reprieve, would certainly befall his progeny), Orestes receives a pardon, and Zeus's justice abruptly halts. Athena's pardon in the *Eumenides* signals a transition to a new, purely political justice.

Notes

1. In his translation of the *Oresteia*, Lloyd-Jones provides a footnote explaining the “grace that comes by violence” as synonymous with the justice of Zeus: it is “the knowledge that injustice against other men will inevitably be punished by the champion of justice, Zeus” (38).

2. It is Zeus’s will that Agamemnon and his brother sail to Troy in retribution for Paris’ crime (kidnapping Helen when he was a guest of the Atreidae). Conacher makes the astute point in his commentary to *Agamemnon* that while in the speech leading up to his decision to sacrifice Iphigeneia Agamemnon makes no reference to acting as an agent of the gods, his homecoming speech makes it clear that his actions in Troy were in fact on their behalf: they are *μεταίτιοι*, ‘sharers’ in the justice wrought on the Trojans (87). We can also infer that if the act of his army’s longing “for a sacrifice to still the winds” is “right in the eyes of heaven,” the sacrifice itself is likewise in accordance with divine will.

3. The word translated “Infatuation” is *παρακοπά* (*parakope*), a compound word from “*para*” and “*κοπτο*,” meaning “aside” and “I strike,” respectively. The change in Agamemnon’s temperament (to “utter ruthlessness,” *παντότολμον*, translated by Conacher as “utter recklessness;” it is an attitude of “dare-anything”) is the result of *parakope*, a “striking aside of reason” that Ruth Padel notes is key in the lexicon of tragic madness (14). *Parakope* carries a connotation of outside origin (the mind cannot strike itself aside), and the gods do indeed usually bring about this type of madness. Padel links this first occurrence of *parakope* with its recurrence at the end of the trilogy, in the *Eumenides*, when the Erinyes induce madness in Orestes: “Madness initiating crime, madness punishing crime. . . *Parakope* in the *Oresteia* links the first impulse to crime, initial crime, with subsequent suffering, and punishment of crime” (14). It is useful also to refer to Conacher’s commentary, wherein he elucidates the connection between Agamemnon putting on “the yoke-strap of compulsion” (*ἀνάγκη*, necessity) and the subsequent descent of madness. Agamemnon’s deliberation up to this point has made it clear

that he has a choice in the matter of his daughter's sacrifice; when he himself "puts on the yoke-strap of compulsion" and *chooses to accept* the necessity of carrying out the sacrifice, then *parakope* strikes, and this "knocking aside of the wits" that hardens Agamemnon toward his daughter is what enables him to slaughter her. "It is, perhaps," Conacher observes, "the poet's way of dramatizing something almost inconceivable: the very idea of a man who is not a monster bringing himself to commit a monstrous deed, whatever the 'justifications'" (14).

4. While the two may seem superficially similar, it is important to distinguish Loraux's formulation of absolute grief from Freud's notion of melancholia. Melancholia, too, arises from an un mourned loss, but this loss is un mourned only because it is unrecognized: the melancholic recognizes *that* she has lost something (or someone) in the loved object but not *what* she has lost in it (Freud 244). Because the tie to the loved object has been severed, the libido formerly devoted to it is released – but rather than focusing elsewhere, it is withdrawn into the ego and serves to establish an identification with the lost object, resulting in a portion of the ego being judged as if it were the lost object and the transformation of the object-loss into a loss in ego, manifesting in displacement of intense feelings of dissatisfaction with (suppressed) lost object onto the ego. The mother who experiences absolute grief, by contrast, knows exactly who *and* what she has lost, and her grief turns into rage in an effort to recognize that loss. In Iphigeneia, Clytemnestra has lost her singular, irreplaceable daughter, a daughter whose sacrificial death denies the particularity of that very loss. When Clytemnestra insists on mourning Iphigeneia – which functions as an assertion of her natal tie to her daughter – she does so in the face of a polis that doubly denies her: not only does she lack a legal right to her daughter, but death by sacrifice renders her daughter interchangeable rather than unique, erasing the singularity of the natal tie.

Chapter Two: Orestes and the Construction of Peitho

Lament, Justice, and the Furies

But what of the *Choephoroe*? Surely we cannot neglect to examine the second play in Aeschylus' trilogy as we do the first and last. *Choephoroe* is crucially important because it uses the trilogy's only instance of forbidden lament to stage the tension between divine and human law and to question the rhetoric of mutable kinship established in *Agamemnon*. Whereas *Agamemnon* deals with kinship in terms of the parents' relations to their children, *Choephoroe* examines this relation in reverse, as Orestes and Electra grapple with how to identify their parents.

Choephoroe opens with a coincidence of mourning: Orestes, newly returned to Argos, is visiting his father's tomb when Electra and a group of slave women arrive to pour libations on the grave, sent by Clytemnestra in an effort to placate Agamemnon's restless spirit. Although at first he doesn't recognize the women, Orestes' immediately associates them with the Erinyes: they are a "company of women coming in black robes," and he speculates that their arrival signals "some new disaster come upon the house" (*Choephoroe* 9-12). Compared with Orestes' actual vision of the Erinyes just before he flees Argos, the images of untamed femininity that bookend the *Choephoroe* make a persuasive parallel:

ORESTES. Ah, ah!

Here are ghastly women, like Gorgons,

with dark raiment and thick-clustered snakes

for tresses! I cannot stay! (*Choephoroe* 1047-1050)

That the Chorus' role throughout the play is to spur Orestes' revenge on his mother only strengthens its association with the Erinyes. Wailing, rending their cheeks, and tearing their garments, the women of the Chorus lament Agamemnon, crying out against his unlawful death:

CHORUS. Sent from the palace I have come

to convey libations; my hands strike me sharp blows;
 Crimson shows my cheek as I tear it,
 with the furrow fresh-cut by my nails.
 All my life long are lamentations my heart's food.
 Ruining the linen texture,
 loud in my grief resounds the rending of my robes,
 the robes that veil my bosom; far from mirth
 the disaster with which they are stricken. (*Choephoroe* 22-31)

The Chorus is a powerful visual reminder of precisely the kind of lament Clytemnestra has forbidden Agamemnon; and the extravagant grief of aristocratic families, outlawed under Solon and Pericles, that is capable of inciting citizens to vendetta justice. This wailing, wrathful Chorus is a sign that the justice of Zeus is intact: while Clytemnestra had a legitimate claim to murder Agamemnon - just as Agamemnon had a claim to murder Iphigeneia – she, too, must expect punishment in her turn, for “it is the law that drops of blood/spilt on the ground demand further/bloodshed...” (*Choephoroe* 400-402). A family member's duty to mourn is akin to his (archaic) duty to avenge: both involve the recognition of a kinsman *qua* kin and the vindication of blood ties; failure to mourn and failure to avenge are both tantamount to renunciation of the family. With respect to this, then, the Chorus stands as a figure of the *father's* Erinys that Orestes mentions in a later exchange with his mother. With its ostentatious display of lament for Agamemnon and its inducements to vengeance, the Chorus embodies the duty Orestes owes to his father as kin – a duty recognized and enforced by the Erinys.

The Erinys, concerned specifically with crimes committed between kin, represent a *facet* of the justice of Zeus. Operating under the same imperative that the doer be punished, the Erinys enforce reverence for Zeus' law by providing a consequence: the vengeance demanded by

blood crime is the vengeance of kinship (vengeance enacted by a family member on another family member's behalf), which functions as a recognition of a blood tie. Failure to avenge a kinsman, then, is a crime of nearly the magnitude of murder itself; it consists not only of the same disregard for blood, but it also represents an obstacle to the justice of Zeus by allowing the doer to remain *unpunished*. He who shirks vengeance is in violation of his sacred duty, and for this will be pursued by the Erinyes. This pursuit – which ends in death – accomplishes what the neglectful kinsman did not: failure to avenge is failure to recognize kin; the punishment enacted by the Erinyes for this *forces* such recognition: the kinsman is punished because of his relation to the dead.

Motives for Vengeance, Manners of Murder

Beyond its aspect as an image of the Erinyes, the Chorus in the second play takes up the mantle of mourner and conspirator, demanding justice for those wrongfully dead and arousing the necessary fervor in Orestes for that justice to be carried out. Although Clytemnestra sent the Chorus and Electra with libations to placate Agamemnon's spirit, what transpires is in fact the opposite, as the Chorus reminds the children graphically of Clytemnestra's crimes toward their father and spurs them on to vengeance. Clytemnestra's intention in sending libations to Agamemnon's grave is not to mourn him (libations being a traditional part of mourning ritual), but to complete her vengeance: she means to preclude the possibility of further vengeance by quieting Agamemnon's ghost. That her efforts fail points to the emptiness of the ritual, echoing the equally empty and perverse vocabulary of sacrifice she used to describe Agamemnon's death in the first play, and by extension to the corruptness of Agamemnon's death.

While the [Chorus-led] scene of conjuration at Agamemnon's grave serves the important purpose of establishing contact with his ghost to obtain aid, and while it certainly whips the siblings into a frenzy, it does not affect Orestes' decision other than to remind him of the

wrongs perpetrated by his father's killers, and to reiterate the need for vengeance. Orestes has arrived in Argos already decided, having received a dictum from Apollo that he *must* avenge his father or pay "with [his] own precious life" the price of vengeance, and suffer other fearsome consequences at the hands of the Erinys: "leprous ulcers that mount upon the flesh with cruel fangs,/eating away at its primal nature," exile from the family, and denial of any hospitality, until "he must perish at last honorless and friendless,/cruelly shriveled by a death that wastes him utterly away" (*Choephoroe* 280-296).

It is important to note, however, that beyond his duty to avenge his father and Apollo's command that he do so, Orestes cites another reason for seeking vengeance against Agamemnon's killers. He wishes to reclaim his rightful place, on the throne and in the household, after ten years of exile. Orestes is "driven to fury by the grievous loss of [his] possessions," and notes with some satisfaction the harmony between his own wishes and his divine and lineal duty (*Choephoroe* 275).

ORESTES. For many longings move to one end;
 so do the god's command and my great sorrow for my father;
 and moreover I am hard pressed by the want of my possessions,
 not to leave the citizens of the most glorious city upon earth,
 the overthrowers of Troy with noble hearts,
 thus to be subject to a pair of women. (299-304)

It is significant that Orestes' motives are at least in part political, because as such they align him with his father, and the two together present a sharp contrast to his mother. Agamemnon renounced his family in order to be a solely political actor – to act only as king – and in so doing attempted to separate the sacrifice of his daughter from the stain of blood crime. If Agamemnon's motives were political with consequences for the family, Clytemnestra's were the

opposite: hers were familial with (unintended) political consequences. Clytemnestra wished, by murdering Agamemnon in a combined act of mourning and vengeance, to recognize her daughter as her kin. She meant only to murder Iphigeneia's murderer, in order to remit the sacrificial ban that prevented her daughter from being recognized as such. The murderer only happened to be the king.

In the aftermath of Agamemnon's death, however, Clytemnestra's actions *did* have political consequences – indeed, they became overtly political. Not only did Clytemnestra murder the king, but through her ban on his public lament, she negated his kingship and rendered Agamemnon an outsider to the city, unrecognized by his own people. Moreover, by virtue of issuing such a ban at all, Clytemnestra assumed something of the power of the king and took Agamemnon's place in the polis, Aegisthus by her side to wield the military power that she, as a woman, cannot (Winnington-Ingram 113).

By avenging his father, Orestes hopes to set all these things aright: he, too, will achieve remittance of a ban on lament, reinstating his father in the family and the city; while the very act of murdering his father's killers both completes his duty of vengeance and leaves the throne open for him to reclaim. Indeed, by reclaiming the throne from such a “pair of women” (Aegisthus' cowardice in not executing the murder himself often leads to his being called ‘woman’), Orestes restores fully the patrilineal, patronymic system. He removes political power from the hands of the female, and leaves Clytemnestra (once again) a non-citizen, a non-actor, and – when she, too, goes without lament within the household – a non-mother.

What sets Orestes apart from either of his parents are the exchanges directly before and after his twin murders of Clytemnestra and Aegisthus. Agamemnon deliberated over Iphigeneia's sacrifice and by his conclusion (abdicating his fatherhood) sought to clear himself preemptively of any blood crime; and Clytemnestra, though she had plotted Agamemnon's murder for years,

defended and justified herself only after the fact. Orestes does both. In a rare exchange between murderer and murdered just before death, Orestes confronts Clytemnestra and in stichomythic fashion proceeds systematically to distance himself from her and deny their natal tie. Directly afterward, facing the Chorus, Orestes' self-defense takes the form of a legal argument, which in its workings provides the crucial link between [blood] crime and the law: *peitho*, or persuasion.

Constructing *Peitho*

We see *peitho* invoked in *Choephoroe* for the first and only time when the Chorus prays on behalf of Orestes, that his deception of Clytemnestra might be successful and his murderous plan proceed without a hitch:

CHORUS. O sovereign Earth and sovereign mound
of the barrow that now lies
over the body of the master of the fleet, the king,
now give ear to us, now give us aid!
For now it is the time for guileful Persuasion
to enter the arena on his side, and for Hermes of the Earth
and of the Night to watch over this
contest of the deadly sword! (722-29)

The Chorus calls upon “guileful Persuasion” - the goddess Πειθω (*Peitho*) δολιαν (crafty, treacherous) – to come to Orestes' aid. Indeed, *peitho* is the *form* of aid the Chorus requests from the “sovereign Earth” (invoking Hermes Cthonios, liaison to the underworld) and Agamemnon's grave. Persuasion, it appears, is the weapon Orestes most needs if he is to be successful.

In order to understand precisely how *peitho* is at work in the *Oresteia*, we must examine it briefly in its two aspects: first, the goddess *Peitho*; second, the abstract noun persuasion

(commonly *peitho*, uncapitalized). It is important to note, as R.G.A. Buxton does, that *peitho*'s dual aspects are not contradictory, nor did they pose a problem to the Greeks. As there was “no orthographical distinction between capital and lower-case lettering,” there was therefore no difference in meaning based on such distinctions (30). Buxton writes

The polarity ‘Personification’/‘Abstract’ is always fluid in classical antiquity. There is no hard and fast dichotomy between Πειθω and πειθω: at most they may be thought of as occupying two ends of a spectrum. (30)

For our purposes, understanding the unity of *peitho* is best served by surveying both ends of the spectrum.

Peitho the goddess had a longstanding association with Aphrodite, both as an epithet (‘Aphrodite *Peitho*’) and as an individual goddess, often in Aphrodite’s retinue. In her divine aspect, Buxton describes Peitho’s jurisdiction as “the alluring power of sexual love,” both inside marriage, evidenced by a cult association at Mytilene between Aphrodite Peitho and Hermes (whom Plutarch invoked together to describe the relation between spouses); and outside it, evidenced by an inscription by the *agoranomai*, who fixed the prices of prostitutes, at the base of a votive statue of Peitho at Olynthos (31-33). Buxton also refers to an episode in Hesiod’s *Works and Days* in which Peitho presents Pandora with gold necklaces, “traditional instruments of erotic enticement” with the dangerous potential to tempt women into sexual lewdness. According to Buxton, such a gift is appropriate, coming from Peitho: just as necklaces can entice a husband or an adulterous lover, “In the right place – marriage –” he writes, “Peitho brings men and women harmonious delight; in the wrong place – illicit sexual relationships – Peitho can be an agent of discord and catastrophe” (37).

Buxton also draws attention to another myth surrounding Peitho, this one related less to her role as goddess of sexual love and more to her role as goddess of rhetoric. We have “two

tantalizing items of mythographical information,” says Buxton: in one story, Peitho marries Argos; in another, she marries Phoroneus, “an Argive culture-hero, responsible for bringing men together into a civilized, communal existence.” Either way, he asserts, the two marriages are “structurally equivalent,” based on the idea that *peitho* is “a central quality in a civilized polis” (35-36).

Indeed, *peitho* (in the sense of the abstract noun persuasion) has a place in the polis beyond a mythographic one. Paraphrasing Vernant, Alan Gilbert explains the political dynamic of the transition to democracy:

When ancient Macedonian royalty declined and a class of commercial oligarchs emerged, a strong egalitarian counter-movement arose. Class struggle led to the creation of the vital concept of political “likeness” or equality, the emphasis on speech and persuasion (*peitho*) as an alternative to force...Furthermore, this new political form, based on (limited) recognition of human freedom engendered novel social conflicts and demands for justice.” (113)

Buxton cites a number of ancient Greek political thinkers on the topic of *peitho*, each emphasizing its crucial role in the smooth functioning of the polis. In his *Laws*, Socrates articulates the ways in which the transparency of the law obliges citizens to adhere to it: anyone who “stands his ground when he can see how [the law is] organized and the rest of our public organization,” according to Socrates undertakes to do anything the law and the public organization requires of him, and failure to comply is disobedience on three counts. This is not only because the polis acts as parent and guardian to its citizens, but also because “after promising obedience,” that person has neither obeyed nor attempted to persuade the law otherwise, if it is in error. Socrates, says Buxton, “has in mind the moral obligation upon the citizens of Athenian democracy to effect change by reasoned argument” (54).

Additionally, Isocrates and Theognis locate *peitho* in opposition to *bia* (force), in a relation analogous to that of *nomos* (law) and the absence of *nomos*. Lack of *nomos*, according to Theognis, is linked to a lack of justice, outsidership (pre-civilization), and acting like animals. Isocrates enumerates the parallel difficulties of a polis without *peitho* and without *nomos*: without *peitho*, Buxton explains, the city suffers violence either “from above” (perpetrated by a tyrant) or “from below” (perpetrated by the majority); without *nomos* the polis is faced with either too much order (tyranny) or too little (anarchy). *Peitho* and *nomos* together allow for civilization (Buxton 59).

Even Plato, notoriously critical of *peitho* in his *Gorgias* (where he attacks the *peitho* used in oratory on the grounds that it engenders belief rather than knowledge), acknowledges in the *Statesman* a “rhetoric which ‘persuades men to do justice and helps in guiding the helm of the state,’” that he institutionalizes in his *Laws*. In the *Laws*, Plato’s “Athenian” supports a legal system in a hypothetical colony where all laws come with preambles designed to persuade the public to accept them, encouraging the citizens to follow the laws voluntarily (56-57). In this, Buxton writes,

Plato is very far from advocating the free and critical use of persuasion which the Athenians of the democracy believed in...Plato’s persuasion is the tool used by the knowledgeable legislator in order to produce and maintain a general conviction that the laws are right and proper and just. For public debates about the justice of the laws there is no room in this ‘ideal’ state. (57)

Peitho, then – the art of persuasion – is deeply embedded in the functioning of the polis, present in both civil and legal discourse. And even in the polis *peitho* has a dual aspect: as an alternative to *bia*, encouraging citizens to accept the law voluntarily by appealing to their reason rather than imposing it by force; and as a means to trick the public into complicity by seductive but specious rhetoric, ensnaring it in a “net” of words not unlike the net of deceit Clytemnestra

used to lure Agamemnon into the bath before she killed him. As Buxton reminds us, “to the Greeks *all peitho* was ‘seductive’...a continuum within which divine and secular, erotic and non-erotic come together” (31). In the *Oresteia*, *peitho*’s two aspects – the seductive potential for destruction and the political rhetoric of persuasion – are inextricably bound to each other, as seductive reasoning brings ruin to the house of Atreus.

Peitho at Work: Agamemnon and Orestes

To find the root of *peitho* at work in the *Oresteia*, we return to the first play. Following Clytemnestra’s account of the sack of Troy, the Chorus meditates on Zeus’ destruction there, and offers a prayer for “good sense, so that the gods/are content to leave [it] free from harm!” (*Agamemnon* 379-80) After all, it notes,

CHORUS. ...there is no defense
 for a man who in the surfeit of his wealth
 has kicked the great altar
 of Justice out of sight.
 He is overborne by relentless Persuasion,
 child irresistible of forecounseling Destruction. (*Agamemnon* 381-6)

Buxton calls our attention to this genealogy of *Peitho* (an “invention” by Aeschylus whose purpose is to connect “the evil persuasion at work early in the trilogy with other demonic forces which can speed a man’s ruin”), but more importantly to the ambiguity of the man “overborne by relentless Persuasion” of whom the Chorus speaks (105). Although the Chorus identifies Paris as such a man only a few lines later, Buxton makes a case to suspend the ambiguity of the moment and extend the description to Agamemnon. He points to the coincidence in the actions of *Peitho* in lines 385-6 and *parakopa* in lines 222-3:

CHORUS. For mortals are made reckless by the evil counsels

of merciless Infatuation, beginner of disaster. (*Agamemnon* 222-3)

CHORUS. He is overborne by relentless Persuasion,

child irresistible of forecounseling Destruction. (*Agamemnon* 381-6)

Both *parakopa* (“Infatuation,” madness, a “knocking sideways” of the wits) and Peitho act on the man to cause him to commit a crime, and both are called *ταλαινα*, translated as “merciless” and “relentless” by Lloyd-Jones for *parakopa* and Peitho respectively, and as “baneful” in both cases by Buxton¹. This is enough for Buxton to argue that the Chorus’ words at 385-6 apply as much to Agamemnon as to Paris, and that Agamemnon’s decision to kill his daughter “was under the influence of ruinous *peitho*” (105-6).

Whereas Agamemnon appears the victim of *peitho*, Orestes, if the Chorus’ prayer is successful, has *peitho* on his side. This is not contradictory: in the same way that *peitho* can foster both ruin and harmony, its dual aspect as goddess and rhetorical mode means that it can both act *on* a person, as an outside agent, and as a tool. Thus Agamemnon is “overborne by Persuasion” (Πειθω) and makes use of persuasion in his rhetoric as he deliberates over Iphigeneia’s sacrifice; and Orestes both has Peitho on his side to aid in his cause and uses *peitho* to accomplish it. *Peitho* is what underlies the mutable kinship rhetoric established in the first play, and Orestes, like his parents, enlists it in order to justify his own act of murder.

Fresh from his contest with Aegisthus, Orestes taunts Clytemnestra with her lover’s death, both accusing her of neglecting to love his father and naming explicitly the crime he intends to commit, exclaiming bitterly: “Come this way! I wish to kill you by his very side!/For in life you preferred him [Aegisthus] to my father” (*Choephoroe* 904-907). Clytemnestra, for her part, refuses to yield, and what follows is a stichomythic exchange in which she and Orestes

¹ The word literally means “suffering” or “wretched,” according to the Liddell and Scott Greek Lexicon.

grapple with their relation to each other.

CLYTEMNESTRA. It was I who reared you, and I would grow old with you.

ORESTES. What! Shall you, my father's killer, share my home?

CLYTEMNESTRA. Fate, my son, must share the blame for this.

ORESTES. Then this your doom also has been sent by Fate.

CLYTEMNESTRA. Have you no awe of a parent's curse, my son?

ORESTES. No, for you gave me birth and yet cast me out into misfortune.

(909-913)

As if to negate Orestes' invocation of his father, Clytemnestra opens with her own assertion of natal kinship: "It was I," she says, tacitly implying *not Agamemnon*, "who reared you, and I would grow old with you" (909). Orestes' rebuttal is vehement and thorough, deconstructing Clytemnestra's position on multiple levels. Immediately after Clytemnestra asserts a natal claim to him, Orestes addresses her not as his mother, but as his father's killer, identifying her solely as murderer in a way that simultaneously claims his father and rejects Clytemnestra's maternity. Moreover, Orestes asks incredulously if she (his father's killer) is to *share his home*, which stakes a claim on the house (the house of Atreus, his bloodline; and the actual, physical household, the *oikos*) and positions Clytemnestra outside it.

Tension between mother and son heightens as Clytemnestra insistently reminds Orestes of his natality. In almost every line, Clytemnestra addresses Orestes as "my son," continuously asserting her maternal/natal claim: he is a *son* (with an implicit relation to his parents), and *her* son in particular. As the two both claim Fate as agent of destruction (Clytemnestra in reference to the slaughter of Agamemnon, Orestes to his impending matricide), the estrangement between them becomes apparent. "Have you no awe of a parent's curse, my son?" asks Clytemnestra, doubly avowing their identities – hers as a parent and a mother, his as her son. And for the first

time, Orestes acknowledges Clytemnestra's maternity, only to refute it, foreshadowing Apollo's argument against the kinship of the mother in *Eumenides*: Clytemnestra "gave [him] birth and yet cast [him] out," surrendering her *maternal* claim to him by consigning him to exile, sending him far from the household in a way no *mother* would (913). Expelled from Clytemnestra's womb and cast out from his home, Orestes considers himself no longer his mother's son.

The next phase of their argument complicates their relationship further as Clytemnestra invokes the crimes of Agamemnon as justification for her murder and grounds to maintain her motherhood; just as she reminded the Chorus in the first play, she did no worse than her husband in killing kin. If Orestes is to renounce his mother, so too should he renounce his father, and be truly orphaned. Here also, we see *mother* and *father* entangled once more with *husband* and *wife*, relations Clytemnestra took pains to separate in justifying her murder of Agamemnon in the first play: he died because she was a mother and he a bad father; he was no longer her husband because he sacrificed their daughter.

CLYTEMNESTRA. Name also the follies of your father!

ORESTES. Do not reproach him who labored, you who sat at home!

CLYTEMNESTRA. It is a cruel thing for wives to be separated from a husband, my son.

ORESTES. Yes, but the husband's toil supports them while they sit inside.

CLYTEMNESTRA. It seems, my child, that you will kill your mother.

ORESTES. You yourself, I say, not I will be your slayer.

CLYTEMNESTRA. Take care, beware your mother's wrathful hounds!

ORESTES. And how shall I escape my father's, if I neglect this duty?

(918--925)

While Orestes harps on Clytemnestra's specific relation to her husband ("Do not reproach

him who labored” – referring to Agamemnon, the “father” invoked by Clytemnestra – “*you who sat at home*” – re-positioning Clytemnestra as Agamemnon’s wife), Clytemnestra replies with a generalization (“It is a cruel thing for wives to be separated from a husband”), reiterating her estrangement from Agamemnon. Additionally, by articulating the “separation” she opens up a metaphorical space that evokes the physical distance between herself and Agamemnon during the Trojan War. But what is particularly complex is the way Orestes’ retort situates Clytemnestra in relation to Agamemnon, and its bearing on how he identifies himself in relation to her: he rebukes Clytemnestra for calling attention for his father’s crimes not because Agamemnon was innocent but because what he did was in the character of the husband (and the ruler) whose toil “supports [wives] while they sit inside” – and because Clytemnestra, it is implied, is a bad wife, for complaining at all and for taking up with Aegisthus.

That Clytemnestra immediately moves to re-position herself as mother, then, is significant, and she does so doubly, referring to Orestes as “my child” and herself as “your mother” (922). Although Orestes has already declared his distance from Clytemnestra as his mother, by reasserting her maternity at this juncture Clytemnestra makes it seem that Orestes means to kill her for being a bad wife, an accusation that ignores her motherhood altogether – and her motherhood is an aspect of herself Clytemnestra refuses to allow be ignored. For surely as his mother she has more claim to Orestes than Agamemnon had to her as his wife, and thus the crime of matricide is more terrible.

Yet Orestes continues to hold Clytemnestra at a distance, indeed privileging her wifehood over her motherhood in his very insistence that she will die – but not by his hand. By insisting that Clytemnestra *herself*, not he, will be her own slayer, Orestes moves very subtly to position himself within the system of the justice of Zeus. As Lloyd-Jones notes, the claims of Clytemnestra and Aegisthus to murder Agamemnon are valid – Aegisthus as arbiter of his

father's vengeance, Clytemnestra as arbiter of Iphigeneia's – only they must expect be punished in kind (91). Thus when Orestes tells Clytemnestra that she herself will be her slayer, he positions the crime he is about to commit – her death – as the direct result of the crime she committed by killing Agamemnon, her husband. In doing so, Orestes puts responsibility for Clytemnestra's death in her own hands (as killer of Agamemnon, to be killed in turn is her just punishment) and removes it from himself: just as Clytemnestra claimed to be the tool of the *daimon* in Agamemnon's murder, Orestes is merely a tool in the exacting of his father's vengeance – a vengeance with its origins in Clytemnestra's own actions.

From here, Clytemnestra moves from a double iteration of natality (“my child”/“your mother”) to a singular, ceasing to refer to Orestes as her son but still identifying herself as his mother. This shift acknowledges the separation Orestes is trying to affect between them, but asserts Clytemnestra's motherhood nonetheless, as if to remind Orestes that regardless of whether he calls himself her son, she is still his mother. This reflects the tension between and confusion of conjugal and natal ties, which reaches its peak in the last two lines:

CLYTEMNESTRA. Take care, beware your mother's wrathful hounds!

ORESTES. And how shall I escape my father's, if I neglect this duty? (924-25)

While Clytemnestra warns Orestes to fear the Erinyes who will avenge her motherhood, Orestes vindicates the father on two counts: by answering her appeal to *mother* with his own to *father* he parallels her natal discourse in a way that places most value on his father; that his reason is filial duty – the duty to vengeance – encompasses and invokes his earlier conviction that the necessity for this vengeance lies in Clytemnestra's crimes as a wife. The relations that were clearly separate for Clytemnestra, in committing her crime, are inseparable for Orestes; yet in order to commit his own crime he must choose to privilege one set of relations over another. He chooses to punish his mother for her crimes as a wife, standing on the side of the conjugal tie, the polis, and

a purely patrilineal heritage.

This is what Orestes defends in his appeal to the Chorus, standing over the corpses of his mother and her lover. After calling on the Chorus to behold “the two tyrants of the land/the spoilers of my house who killed my father,” Orestes directs their attention to Agamemnon’s bloodstained robe, riddled with holes where the murderers had stabbed him.

ORESTES. Look also, you who take cognizance of this sad work,
 on the device they used, to bind my unhappy father,
 their manacles for his hands and fetters for his feet!
 Spread it out! Stand by in a circle,
 and display her covering for her husband, that the father may behold
 – not my father, but he who looks upon the whole world,
 the Sun! – may behold my mother’s unholy work,
 so that he may bear me witness on the day of judgment when it comes
 that it was with justice that I pursued this killing –
 that of my mother (for Aegisthus’ death I count for nothing;
 he has suffered the adulterer’s penalty, as is the law). (980-90)

If *peitho* – the persuasion that allows one to reason out of kinship and blood crime, the persuasion upon which the polis is built – was not obviously present in Orestes’ exchange with Clytemnestra, now it is unavoidable. After claiming in lines 973-79 a solely paternal heritage, positioning Clytemnestra and Aegisthus as killers rather than family members, and emphasizing Clytemnestra’s infidelity, Orestes holds a posthumous trial, calling upon Zeus and the Chorus as witnesses. This is signaled by a shift to an explicitly legal register: as Lloyd-Jones explains in his

notes to *Choephoroe*, the word translated “take cognizance” (*επηκοοι*) has legal connotations². “Orestes is formally calling his audience to witness the guilt of the people he has put to death,” Lloyd-Jones observes, “displaying as his evidence the instrument of murder” (188). This verb also appears in *Agamemnon* and *Eumenides* in scenes of trial, linking the three crimes of Agamemnon, Clytemnestra, and Orestes.

CLYTEMNESTRA. Was it not he whom you should have driven from this land, as penalty for his polluting act? But when you take cognizance (*επηκοοσ*) of my actions, you are a harsh judge. (*Agamemnon* 1419-21)

CHORUS. I wait to hear (*επηκοοσ*) justice given in this case, Being still in doubt whether to visit my anger on the city. (*Eumenides* 732-3)

Here we see that in *Agamemnon* Clytemnestra defends herself to the Chorus, insisting that if they judge her actions they judge Agamemnon’s equally harshly; in *Eumenides* the Chorus of Erinyes awaits Athene’s verdict, both sides having argued their case. In each of the plays the word *επηκοοσ* appears in the context of a defense addressed to those who would judge the defendant, in a setting that, if not actually a courtroom scene (as in *Eumenides*), bears striking resemblance to one. And in each case, the actions truly at issue are Clytemnestra’s: whether her crime is defensible relative to Agamemnon’s, or Orestes’ to hers. This poses the larger question of which blood tie takes precedence: paternal or maternal, conjugal or natal? The answer ultimately handed down by Pallas Athene is in favor of the paternal and the conjugal – but it is a decision, arrived at through the most complex and explicit display of *peitho* yet, that reveals the fracture inherent in democratic law by institutionalizing the fractured identities it engenders.

² *επηκοοι* in *Choephoroe*, in *Agamemnon* and *Eumenides* *επηκοοσ*. The word’s literal meaning is “listening” or “giving ear to,” according to the Liddell and Scott Greek Lexicon.

Chapter Three: The Violence of the Law: Peitho and the Impossibility of Justice

Thus we come to *Eumenides*, where at last the threads of tragedy unwind – or, at least, the manner of their knotting becomes clear. The Erinyes bide their time, asleep in the temple of Apollo, until Clytemnestra’s ghost rouses them:

CLYTEMNESTRA. Sleep on! Aha! And what is the use of you asleep?

And I, thus dishonored at your hands

among the other dead – the reproach

of the deeds of blood I did still lives on among the departed,

as in indignity I wander; I declare to you

that they level a most grievous charge at me

who suffered so sorely at the hands of my nearest kin –

none among the divinities is angry on my account,

slaughtered as I was by matricidal hands. (94-102)

Clytemnestra makes several moves to reprise her arguments from the last two plays, emphasizing the indignity of her death unavenged, the bond of kinship between herself and Orestes, and “the reproach of the deeds of blood [she] did,” which can be read trebly: she could be referring to her own death as the reproach (answer, punishment) for the crimes she committed, or to those same crimes *as* a reproach for the crime they avenged – Agamemnon’s murder of Iphigeneia – or to herself, addressing them, as the reproach who “still lives on among the departed.” Such ambivalence on the level of the language bears out in the rest of the play, highlighting the contradictoriness of the law and legal proceedings at the heart of *Eumenides*. Her appeal to the Erinyes to “Listen, for on [her] plea/depends [her] whole existence” is apt: Clytemnestra’s identity as a mother is at stake, and with it the mother’s position in the family, as Orestes’ trial begins the reconstitution of the family in the polis (*Eumenides* 114-15).

Eumenides is in possession of the juridical context the other two plays lack, which many critics cite as evidence that the trilogy stages the transition to democratic law: we see the action move from the house of Atreus to the court of Athens, from justice enacted by family members to justice enacted by the law (Foley 26). But the play's explicit legal discourse is precisely what troubles this reading, as the very form of the trial evokes the doubleness of the crimes it tries. Even Apollo's demand that the Erinyes leave his temple at the beginning of the play is tellingly ambiguous:

APOLLO. It is not fitting that you should come to this house;
 Your place is where sentence is given to lop off heads and gouge out eyes,
 Where murders are, and by destruction of the seed
 The manhood of the young is ruined, and there are mutilations
 and stoning, and men moan in long lament,
 Impaled beneath the spine. (*Eumenides* 185-190)

Apollo's assertion that the Erinyes belong "where sentence is given to lop off heads and gouge out eyes" places them in an obsolete and violent tradition, and one that has no place in the civic space represented by his temple. Yet this is complicated by the very next clause – "where murders are" – which places them in *exactly* the space of his temple, because it is there that he harbors Orestes, who, despite Apollo's blessing and purification, still bears the stain of murder in the same way his parents did before him.

Indeed, *Eumenides* largely re-stages the arguments of *Agamemnon* and *Choephoroe*, presenting the three narratives of blood crime side by side. Orestes' defense both echoes Clytemnestra's and recalls his own self-defense in *Choephoroe*:

ORESTES. I am an Argive; and my father you know well,
 Agamemnon, who marshaled the men of the fleet

with whom you made Ilium's city a city no more.
 He perished by no honorable death, when he came
 home; my black-hearted mother
 slew him, when she had wrapped him
 in a crafty snare, one that bore witness to his murder in the bath.
 And I returned, having been before in exile,
 and killed my mother – I will not deny it –
 exacting the penalty of death in return for my dear father.
 And together with me Loxias is answerable;
 for he warned me of pains that would pierce my heart,
 if I should fail to act against those who bore the guilt of this.
 Whether I acted justly or unjustly, you decide the case! (455-469)

He begins with a familiar move, identifying himself by his father. It is significant, however, that Orestes moves almost immediately to specify the manner of Agamemnon's death: it was "no honorable" one, because it was by deceit (rather than courageously, as in battle) and by a woman's hand. Yet the robe that "bore witness" to Agamemnon's murder, and which Orestes also calls upon in *Choephoroe* 1010-1013, is also "a crafty snare" (evocative of Clytemnestra's own words to describe it at *Agamemnon* 1382, "a covering inextricable"), the symbol and the medium of his mother's trickery – and with trickery Orestes himself is also aligned, having murdered Clytemnestra and Aegisthus by the same method.

ORESTES. ...I bid you keep secret this covenant with me,
 so that they who by cunning slew an honored hero
 may be taken by cunning, perishing
 in the same snare... (*Choephoroe* 555-58)

If the manner in which Clytemnestra killed Agamemnon was dishonorable, so too must be Orestes' own deceit. Not only does the content of his speech reveal the mirrored way in which he murdered his mother, however, but the form of his argument mirrors hers as well.

Addressing the Chorus as she stands over Agamemnon's body, Clytemnestra makes no effort to disclaim her bloody work:

CLYTEMNESTRA. And I so acted – and I will not deny it –

That he could neither escape nor ward off death. (*Agamemnon* 1380-81)

ORESTES. And I returned, having been before in exile,

And killed my mother – I will not deny it –

Exacting the penalty of death in return for my dear father. (*Eumenides* 462-64)

Orestes even claims Apollo as impetus for his matricide, painting himself as a tool of Loxias' will just as Clytemnestra claimed to be a tool of the *daimon*, despite the fact that he already had a separate, political motive to return to Argos and avenge his father, and the fact that Apollo's instruction only served to reiterate the duty to vengeance that already pressed Orestes: if he had not avenged his father, the Erinyes would have pursued him, regardless of Apollo's command.

It seems odd, therefore, that given their structural and material similarities Orestes' case succeeds while Clytemnestra's does not, especially since he admits – repeatedly – his guilt. Orestes is not innocent, and cannot make an oath attesting to his innocence. Even Apollo's purification cannot wash the blood from Orestes' hands: he did the deed; he cannot deny it. The Erinyes harp on this point, because it should be enough to convict him: as Lloyd-Jones remarks in his footnote to the following lines, archaic legal procedure, which left traces in the law of fifth-century Athens, required the defendant to make an oath professing his innocence, calling on the gods to destroy him should he speak falsely. Since Orestes cannot possibly make such an oath, the Erinyes would have considered their suit won (Lloyd-Jones 235-236).

ATHENE. Two parties are present, and we have heard half the case.

CHORUS. But he will not take an oath, he will not give one!

ATHENE. You wish to be thought to act justly rather than to do so.

CHORUS. How so? Explain it, for you are not poor in wisdom.

ATHENE. I say you must not try to win by oaths an unjust victory.

CHORUS. Why, put him to the question, and pronounce a righteous judgment.

(*Eumenides* 428-33)

Instead, Athene reminds the Erinyes that Orestes' fate will rest on a plea of justification – again, odd insofar as the deaths of Iphigeneia and Agamemnon were also justifiable (as sacrifice, as vengeance) and yet were punished. Regardless, Athene's word forestalls Orestes' immediate conviction, leaving room for his defense. Indeed, searching for justification for Orestes' crime, Athene turns to the Erinyes themselves, asking whether there was “no other constraint that made him go in fear of wrath” – to which the Erinyes reply, “Why, what spur is there so keen as to drive to matricide?” (*Eumenides* 226-27) The irony of these lines is that the constraint that made Orestes go in fear of wrath and the spur that drove him to matricide are the same, and united with precisely the constraint that binds him now: the Erinyes themselves, who rule over matters of blood.

These Erinyes interrogate Orestes before the court, forcing the inescapable fact of his guilt to the forefront of the action.

CHORUS. We are many, but we shall speak briefly;

And you answer speech for speech in turn.

Say first whether you are the killer of your mother!

ORESTES. I killed her; there is no denying that.

CHORUS. There already is the first of three falls! (*Eumenides* 585-89)

Lloyd-Jones provides, again, valuable context for these lines in his footnotes to the text. The “three falls” refer to Greek wrestling, in which the loser of three falls loses the bout. For the two remaining falls, Lloyd-Jones writes, the Chorus must prove that the matricide was deliberate, and that it was unjust (245-246). Yet while Orestes readily admits that he did the deed deliberately, he insists that it was just – and the Chorus cannot prove otherwise. Clytemnestra’s death in punishment for her own crime is just; it is Zeus’s law that the doer be punished. But the manner of her death – matricide – is unjust, and to leave such a blood crime unavenged is also unjust.

It is important to note that Clytemnestra does not *have* to die at this juncture: the recognition of kinship Agamemnon’s death demands from his children can be satisfied just as easily by Orestes’ own death at the hands of the Erinyes. Because Clytemnestra’s murder of Agamemnon is an act of mourning and vengeance it has a certain degree of sanction; it is protected and condoned by divine law. And insofar as Agamemnon abdicated his fatherhood when he killed Iphigeneia (and also, as far as Clytemnestra is concerned, his role as her husband), for Clytemnestra to kill him is not blood crime, but merely a homicide. Taken in isolation, then, and with respect only to herself, Clytemnestra’s crime is subject to the justice of Zeus, which can visit itself at any time. It is not a matter for the Erinyes.

However, just as in killing “his own daughter” Agamemnon also killed Clytemnestra’s, in murdering Agamemnon Clytemnestra murdered her children’s father, and so it is incumbent upon her children (and in particular Orestes, as the male) to avenge his death. Thus it is because of who Agamemnon is *to his children* that *avenging* him becomes a matter for the Erinyes: his children must either recognize him as kin by avenging him or risk their own deaths as the objects of his vengeance. When Orestes chooses to enact his father’s vengeance by murdering his murderer, however, he collapses that vengeance and Clytemnestra’s punishment:

Agamemnon's vengeance (a form of killing to a certain extent clean and protected) takes the form of blood crime because in order for Orestes to kill his father's killer, he must kill his mother. Because he is his father's son, he must avenge Agamemnon; because he is his mother's son, to kill Clytemnestra is a crime. This is the impossible position of the tragic hero, whose action is just and unjust at the same time, clean and unclean, punishable and unpunishable. Yet while the tragic hero suffers, Orestes escapes - not because he is innocent, which he can no more prove than the Erinyes can prove Clytemnestra's death is unjust, but because he wields the law.

Asymmetries of Kinship/Aporia of Justice

The following exchange demonstrates further the contradictions on which Orestes' defense rests, as the two sides begin to debate the position of the mother within the family (or indeed, whether she has a position at all) more directly.

ORESTES. I have confidence; my father is sending help from beyond the grave.

CHORUS. Put your confidence in corpses, you who have killed your mother!

ORESTES. Yes, for she bore the mark of a double pollution.

CHORUS. How so? Explain this to the judges!

ORESTES. In slaying her husband she slew my father.

CHORUS. Well, then, you still live, but she by her death has been freed of guilt.

ORESTES. But why did you not harry her, while she still lived?

CHORUS. She had not the same blood as the man she killed.

ORESTES. And have I the same blood as my mother?

CHORUS. How else did she nourish you beneath her girdle, murderer?

Do you disown your mother's dearest blood? (598-608)

Orestes' assertion that he is not afraid because "[his] father is sending help from beyond the

grave” puts us in mind of the summoning scene in *Choephoroe*, whose context is undeniably vengeful, as Orestes and Electra pray to Agamemnon to secure his blessing for the crime they are about to commit in his name. But the Chorus’ sharp retort – “Put your confidence in corpses, you who have killed your mother!” – stresses the incompatibility of Orestes’ dual position by reminding us of the dual nature of his crime; on one hand vengeance, on the other, matricide. Confounding readers who wish to see in the *Oresteia* an easy dramatization of the transition to democratic justice is the fact that Orestes cannot claim vengeance for his father and remain on the side of the new, democratic law, which condemns the practice of vengeance killings for precisely the reason aristocratic families value it: its reverence of the blood tie.

That Orestes in turn draws attention to the doubleness of Clytemnestra’s crime only strengthens the Erinys’ case: in slaying her husband she did slay her children’s father, but she went through the same process of reasoning Orestes now attempts, and her crime too was both clean and unclean; on one hand vengeance, on the other murder. But murder of a spouse is only murder, as the Chorus notes, and not blood crime, and in her death Clytemnestra has been duly punished. It is only fitting, then, that Orestes too should be punished, for murder or for matricide – he whose crime is so close to his mother’s. Indeed, the Erinys echo Orestes’ earlier words from *Choephoroe* when they ask “Shall he who has spilt his mother’s kindred blood upon the ground/then live in Argos in his father’s house?”, drawing a final and decisive parallel between the crimes of Orestes and Clytemnestra (*Eumenides* 653-54).

Rather than further emphasize the untenability of his position, Orestes turns his defense over to Apollo, who attempts to justify the matricide by invalidating Clytemnestra’s motherhood.

APOLLO. She who is called the child’s mother is not
its begetter, but the nurse of the newly sown conception.

The begetter is the male, and she as a stranger for a stranger
 preserves the offspring, if no god blights its birth;
 and I shall offer you a proof of what I say.

There can be a father without a mother; near at hand
 is the witness, the child of Olympian Zeus... (*Eumenides* 658-664)

As Lloyd-Jone observes in his footnote to the translated text, the word Apollo uses for ‘begetter’ – *τοκευς* – was commonly used in the plural to mean parents, and thus by way of a pun Apollo insinuates that Clytemnestra is not fully a parent to her child (250). Rather, the mother is a stranger, and “as a stranger for a stranger/preserves the offspring.” The word for stranger (*ξενη*), however, has a specific meaning in classical Greece, and a particular valence relative to a woman’s position within the family.

In her book *Murder Among Friends*, Elizabeth Belfiore explores the intricacies of Greek *philia* relationships (friendship or kinship, marked by reciprocity), paying particular attention to the three ways non-family members could attain *philia* status: by assuming the role of stranger¹ (*xenos*), suppliant (*hiketes*), or spouse. It is the last option with which we are concerned, for the position of the spouse is a key consideration in determining the position of the mother, and vice-versa.

Belfiore cites Aristotle’s broad view of *philia* (community, including *xenia*; companionship; and family, including the spouse) in his *Nicomachean Ethics* as grounds to adopt a broader view of *philia* relations in tragedy, in order to gain a more nuanced understanding of the *pathos* (violence) that occurs in what Aristotle terms “the best tragedies” in his *Poetics*. The *philia* violated in tragedy includes not just biological kinship, but violation of the other formal

¹ Translated more precisely as “guest-friend” in the Liddell and Scott Greek Lexicon. *Xenia* relationships are the special province of Zeus *Xenios*, protector of those who seek hospitality.

reciprocal relationships – marriage, *xenia*, and supliancy – that allow for the acceptance of an outsider into a group, and establish a nexus of hereditary obligation between the parties. Just as biological kinship normally involves positive reciprocity, Belfiore asserts, non-kin *philia* relationships are also initiated and maintained by acts of positive reciprocity, and are thus “assimilated” into kinship (6). But blood kinship, she is careful to note,

differs from relationships initiated by reciprocal acts in that people do not choose their blood kin. However, because biological kinship is in most cases also a social relationship, it can be strengthened by acts of positive reciprocity or weakened by negative reciprocity. ...

On the other hand, reciprocity is essential to *xenia* in a way in which it is not to blood kinship. Kin may fail to keep their obligations and still remain kin, but *xenoi* must engage in reciprocal benefits if they are to become and remain *xenoi*.

(6, 8)

Blood kinship, then, while strengthened or weakened by positive or negative reciprocity, is static: it does not change, even when *pathe* occur within a family (and indeed, this accounts for why such *pathe* must be punished by the Erinys).

Belfiore goes on to describe marriage as “the closest to blood kinship” of the three formal reciprocal relationships, and also as an amalgam of them. Marriage is “a particular form of *xenia* and supliancy, because the wife is a *xene* who comes to the hearth of her husband as suppliant” (7-8). Additionally, again citing the *Nicomachean Ethics*, marriage shares with biological kinship a basis in “nature,” and while the bride is “foreign” to her husband’s family, spouses are members of the same household. Most importantly, however, marriage leads to an indirect biological tie with the birth of children (Belfiore 7).

With this in mind, Apollo’s argument at the beginning of the play regarding marriage –

counterpart to his argument discrediting the parental status of the mother – begins to fall apart. Addressing the Erinyes, who insist that murder between spouses is not “the shedding of one’s own blood with one’s own hand,” Apollo says

APOLLO. Indeed you dishonor and reduce to nothing
 the pledges of Hera the Fulfiller and of Zeus,
 and the Cyprian is cast aside in dishonor by your plea,
 she from whom comes to mortals what they hold most dear.
 For the marriage bed, granted by fate to man and woman,
 is mightier than an oath, if Justice is its guardian.
 So if you allow those that kill their partners
 such license that you do not require them nor visit them with your wrath,
 I say that your pursuit of Orestes is not just.
 For the one crime I see that you greatly take to heart,
 while in the other matter you are manifestly milder.
 But the goddess Pallas shall review this case. (213-224)

Both Apollo and Clytemnestra cite the foreignness of the wife/mother to her own family as justification for her murder, the one she committed and the one committed against her. In murdering Agamemnon, Clytemnestra insists that she murdered no kin; in murdering Clytemnestra Orestes supposedly murdered no kin. But if Apollo emphasizes the near-blood tie (*philia*) of the marriage bond, he cannot claim as he does that the relationship between a mother and child is strictly *xenia*.

A woman who enters a household by marriage is *xene* to her husband’s family; as children legally belong to the father, it follows that she should also be *xene* to the children. But a woman becomes most *phile* to her husband when she produces children, in recognition of the

new, quasi-biological tie the spouses now have to one another (a tacit admission that procreation requires two parents). Apollo cannot claim both at once: if Orestes is *xenos* to his mother, Clytemnestra must also be *xene* to Agamemnon; but if there is *philia* between Clytemnestra and Agamemnon, so also there must be *philia* between Clytemnestra and Orestes. Indeed, as Winnington-Ingram remarks, the twin arguments of Apollo and Clytemnestra echo each other across the plays:

Where Apollo says to the Furies, in effect: “You pursue an offense by a child, but not an offense by a wife against her husband,” Clytemnestra says to the Chorus: “You pursue an offense by a wife against her husband, but not an offense against a child.” (111)

Clytemnestra’s relation to her husband and to her son must be equivocal. Unless *both* arguments are valid – that Clytemnestra is *xene* to husband *and* son, rendering both murders clean, or that she is *phile* to both, rendering them unclean – then neither is.

Peitho and the Law

Given the difficulty of allowing Orestes to remain unpunished under *divine* justice, Apollo’s decision to send Orestes to Athens to plead his case before the court of the Areopagus is a shrewd one. It is there, he tells Orestes, that

APOLLO. ...We [shall] have judges of your cause, and words
to charm them, and shall discover means
to release you forever from this distress. (*Eumenides* 81-83)

These judges are human judges, and as such are susceptible to such words meant to charm as Apollo describes. And indeed, the court is already predisposed toward Orestes, as Athene begins to instruct the jury to vote on the case by addressing it in the following way: “Hear now my ordinance, people of Attica,/you who are trying your first case for the shedding of blood” (681-

82). Despite all the court has heard, Athene frames Orestes' case in terms merely of blood (*αιμοατος*), rather than kindred blood (*γενος*). Such a move recasts the crimes as murders – not as blood crimes – and as criminals facing democratic law, the murderers stand to be punished in the same way.

The Chorus is right, therefore, to protest Orestes' acquittal, even before it is granted. Asserting their own importance in the dispensation of justice and reminding the jury of *Dike's* true nature, the Erinys say

CHORUS. And what city or what man
that in the light of the heart
fostered no dread could have the same
reverence for Justice?

Neither a life of anarchy
nor a life under a despot
should you praise.

To all that lies in the middle has a god given excellence,
but he surveys different realms in different ways. (*Eumenides* 522-530)

When the precedent for committing murder is to leave the murderer unpunished, the Chorus argues, how are men to respect the law, or reverence justice? They need fear no consequence for its violation, and worse still, its violation ceases to have that aspect of the criminal. While the Chorus cautions against both anarchy and tyranny – the absence and excess of *nomos* – it values what lies in between, for it has “a god given excellence.” Even so, they warn, Zeus “surveys different realms in different ways,” suggesting that the balance between anarchy and despotism is achievable only when essential differences are recognized. In the context of

Orestes' trial, this is a pointed reference to the necessity of recognizing kin: blood murder is not the same as other murders, because bonds of kinship are not the same as bonds of citizenship.

Still graver are the implications for the court itself, should it rule in Orestes' favor. The Erinys warn against the consequences of erasing the natal family, reminding the court of the terrible precedence Orestes' case will set:

CHORUS. Now is the ruin of the new
 covenant, if the injurious plea
 of this killer of his mother
 is to prevail!
 All mortals from now on will this act
 knit fast to the readiness of hand;
 and many the wounds, dealt in truth
 by their children, that await parents
 yet again in time to come. (*Eumenides* 490-98)

The Erinys call attention explicitly to the fact that acquittal will be “the ruin of the new/covenant,” the institution of the Areopagus itself – because Orestes' “injurious plea” rests on an argument of kinship, and the court is not to consider kinship in its verdict. Even without considering kinship, however, Orestes is due punishment for murder, and an acquittal is still contrary to the law. Whereas Orestes' conviction on grounds excluding kinship would preserve the integrity of the family simply by not acting against it, his acquittal is dangerous: the Erinys emphasize the horror of a future in which children are permitted wanton violence against their parents, and by extension within their whole families. In such a future, what binds the family is not blood, but its patronym; unable to privilege their lineage, the tie between family members becomes nothing more than what a citizen owes a citizen, or a stranger a stranger, the extreme

of the *xenia* relation posited by Apollo.

Considered objectively, then, it seems Orestes' case will fare no better in this court, with justice handed down by a jury rather than a deity. To cleave the blood from the crime in the three murders of the house of Atreus requires that each be examined outside the context of the family, which in turn means that the motives for each murder must be discounted, as they are tied inextricably to kinship: Agamemnon sacrificed Iphigeneia because Artemis demanded his *daughter* (and not any other maiden), Clytemnestra murdered her husband in order to claim that same daughter, and Orestes committed matricide to honor his father. Without the context of the family, Orestes' crime is only murder, not matricide, but he can no longer justify it in terms of vengeance. And if the previous two deaths were just – if it is just that murders be punished with death, to which the lack of objection on the parts of both the gods and the court stands as tacit agreement – then it is only just that Orestes, too – a murderer – be punished with death.

Framed in this way, it is no longer a matter of Agamemnon, for example, being punished for murdering his daughter, but simply a matter of his being punished for murdering another person. It is important to note that in this respect, justice is blind, and perhaps deaf: if Agamemnon's death as a punishment for murdering Iphigeneia is just – and it is generally accepted by the court that this is so – then it does not matter, in the scheme of justice, that he was king or that Iphigeneia's death was necessary. Likewise, disregarding the fact that Clytemnestra murdered Agamemnon for what he did (he murdered their daughter, whom Clytemnestra wished to claim as kin), it is just that she died because she committed murder, or even more generously, because she murdered the king. In the latter case, it is possible that Orestes could justify his crime on the grounds of defending the throne, or of reclaiming his household, recalling his motives at *Choephoroe* 299-304. But this is not the form his defense takes. Rather, Orestes and Apollo make an argument of kinship in the court of the law, an argument

that even were it accepted would not absolve him of murder, and the court is tasked with trying its first trial “for the shedding of blood.”

Even if an argument of kinship were compatible with or applicable in a court of law, and disregarding the internal contradictions of Apollo’s assertions concerning the position of the mother, such an argument is problematic because it is based not on proving the innocence of the accused, but on establishing the guilt of his victim. To justify Orestes’ crime on the basis of Clytemnestra’s is contrary to the purely impartial justice supposedly represented by the democratic court, before which all men appear as equals and all crimes alike in nature are judged alike. Moreover, to make the claim implicit in Apollo’s argument – the even if the mother has a place within the family, Orestes was justified in killing Clytemnestra because she violated her marital bond of *philia* to Agamemnon (essentially, that she was a bad mother because she was a bad wife) – is only to duplicate Clytemnestra’s own reasoning in killing Agamemnon (he was a bad king, and a bad husband, because he was a bad father). This in itself is a reiteration of the kinship between them; even as they attempt to reinscribe the family by rhetoric, they reproduce each other’s crimes. Family resemblance bears out in Orestes’ actions, even as he denies it with his words.

Thus it is that Orestes’ acquittal at the inception of the law marks a failure of the law. A court that judges the crime and not the criminal (as indeed a truly impartial court would) brooks no pleas of justification; yet Orestes’ defense emphasizes the justice of Clytemnestra’s death in order to deflect attention from the injustice of the way it came about, and in doing so deliberately ignores the relative claim to justice of the other two murderers. In the cases of all three deaths (Iphigeneia’s, Agamemnon’s and Clytemnestra’s), their justice is not in question. Rather, what is at issue is the justice of their enactment. The murders among the Atreidae make painfully clear the problems of vendetta justice, as kinship is only fully honored in death, by

committing a crime that necessitates further punishment. But to decontextualize the murders (the analogy in the *Oresteia* to the outright banning of vendetta killings in the fifth century BC) deprives blood crime of the special status formerly accorded to it and classes it alongside any other homicide, subject to the justice of the court rather than the clan. And to decontextualize the murders is also to decontextualize the murderers, disallowing the family as a foundation of identity. The tyrant who rules not based on his lineage but on his reason is the same tyrant who fails to recognize the boundaries of that lineage, as the membrane of identity, the irreducibility of natality being the sole factor that prevents the citizenry from being truly interchangeable.

The Verdict of Athene and the Violence of Democracy

While the jury demonstrates its unease with Orestes' case by failing to reach consensus, Athene casts her deciding vote in Orestes' favor couched very carefully in terms that evoke both kinship and the law, in a specious attempt to reconcile the two.

ATHENE. It is now my office to give final judgment;
and I shall give my vote to Orestes.

For there is no mother who bore me;
and I approve the male in all things, short of accepting marriage,
with all my heart, and I belong altogether to my father.

Therefore I shall not give greater weight to the death of a woman,
one who slew her husband, the watcher of the house;

Orestes is the winner, even should the votes be equal. (734-741)

She cites her own purely patrilineal heritage as grounds for discounting the mother from the family, which is astute because it doesn't *strictly* counter the court's imperative to rule without considering kinship. Rather, Athene moves the issue of kinship from the sphere of mortals to the sphere of the gods, and extrapolates from her *own* divine birth the superfluity of mothers in

human birth. Such an argument is, of course, ridiculous; humans cannot reproduce without two parents, and to extend to them even rhetorically powers of supernatural birth borders on sacrilege. Regardless, her statement reaffirms the exclusion of mothers from a legal claim to their children already instituted in contemporary Greek law. Similarly, Athene's second claim – that because of her patrilineal heritage, she will not “give greater weight to the death of a woman” – duplicates, with a slight alteration, Apollo and Orestes' persuasive rhetoric in justifying Clytemnestra's death by matricide. Clytemnestra was not a bad wife because she was a bad mother, but simply because the male is most important, and she sinned against the male. This erases Clytemnestra's motherhood altogether by rendering it irrelevant: her crime is only as a wife; that she was also Orestes' mother does not matter.

Athene's cunning rhetoric (“No mother bore me, therefore no mothers bear children”) eliminates from motherhood the possibility of kinship; the relation between mother and child is no longer something that can be claimed. More importantly, however, in doing so it dismisses Orestes' guilt as an issue in the trial. Athene's verdict concerns only Clytemnestra's crime, not Orestes', or concerns his crime only indirectly: Clytemnestra's death does not matter because Athene “approves the male in all things;” it is not that Orestes didn't commit a crime, merely that Clytemnestra's crime was worse. Thus we see in her verdict, at the foundation of Areopagitic law, the inauguration of a law that is not based on justice but on justification; it is a triumph not of *dike* but of *peitho*.

It makes sense, then, given the law's corrupt origins, that Athene must complete the victory of *peitho* by pacifying the Erinyes, who despise such perversion of justice. Following a series of laments for justice on the part of the Erinyes, and several iterations of their displeasure (even taking the form of threats to smite the land of Attica with their venomous rage), Athene herself employs seductive *peitho* profusely, coaxing the Erinyes to accept the verdict. She offers

them a seat of honor in Athens and the reverence of her citizens, while reminding them that she alone “knows the keys of the house/wherein is sealed the lighting,” and of their duty, as strangers to Attica, not to answer her hospitality with anger² (*Eumenides* 827-8, 887-91). Most important among Athene’s enticements is the realm over which the Erinyes are to preside in particular: that of fertility, of land and beasts and mortals, and of the family.

CHORUS. You seem likely to persuade me, and I am shifting from my anger.

ATHENE. Then you shall dwell in this land and shall acquire new friends.

CHORUS. Then what fortune do you bid me invoke upon this land?

ATHENE. Such blessings as may gain no evil victory:

And these shall come from the earth and from the waters of the sea,

And from the sky, and the blasts of the wind

Shall pass over the land with sun-warmed breezes:

And the increase of the earth and of the herds, teeming with plenty,

Shall not cease as time passes to prosper for the citizens;

And so also shall the seed of mortals be preserved.

And may you more incline to make increase the righteous;

For like a gardener I cherish

And keep far from mourning the race of these just ones. (900-912)

Superficially, Athene appears to honor the Erinyes by offering them the same jurisdiction in Athens that they had under Zeus: responsibility for matters of the family and its well-being, and the ability to punish those who fail to reverence their power. But to be sentinels of fertility

² Extrapolating from Belfiore’s explication of Gustave Glotz’s work on *philia*, if *aidos* (respect) is characteristic of both suppliant and supplicated at the time of supplication, and *aidos* is what unites two parties in *philia*, then the suppliant has grounds to be accepted as *philia* even before he begins his suit (8). In this case, *aidos* marks both Athene and the Erinyes, and since Athene has made an offer of hospitality, it would betray their *xenia* relationship to harm Athens.

and prosperity is not the same as to guard the sacredness of the blood tie; the former values the production of children without regard to their parentage, while the latter insists on the primacy of lineage in constructing identity. But the Erinyes' acceptance of Athene's terms, and their transformation into the Eumenides, seals the verdict and the law of the Areopagus, and consigns the natal family to obscurity.

In this way does *peitho's* seductive reasoning become the foundation of the law: the mutable kinship rhetoric dramatized explicitly through the actions of the Atreidae becomes implicit, embedded in the law. Orestes can argue his case either on the side of kinship or on the side of the law, never simultaneously, and whichever path to justice he chooses, he must also extend to his mother in her own defense. But this never occurs: Clytemnestra is mute, and the crime of her death is punished neither as matricide nor as homicide. The scene of trial exemplifies Lyotard's differend: whichever idiom Orestes chooses to make his case (kinship, law) ceases to apply or contradicts itself when faced with his mother and the natality she represents (9).

Whereas Lyotard claims the differend as defining postmodern justice, however, tragedy claims it as constant, contemporary, and central to our humanity. The *Oresteia* points to the fracture on which the law is built – the violence of the crimes of the Atreidae, the violence of Clytemnestra's unavenged death, and the violence of a law that does not recognize the natal particularity of the individual. The equality among citizens that is the democratic ideal is not the same as the interchangeability of citizens engendered by refusal to recognize the natal family. Orestes' acquittal by the court of the Areopagus does not resolve the issue of kinship or blood crime, and Athene's verdict merely masks it. The birth of the Areopagus, at the intersection of blood and crime, fails to recognize the incommensurable, essential differences of kinship, and

ensures the impossibility of the very thing it seeks to establish: a democratic system of justice, in which all are equal under the law.

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