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Edith Hall

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PEACEFUL CONFLICT RESOLUTION AND ITS DISCONTENTS IN AESCHYLUS'S *EUMENIDES*

Edith Hall

The figure of the Fury—the supernatural female who makes aggrieved humans transform their grief into acts of revenge against those they hold responsible—is one of our most enduring inheritances from Greek and Roman culture. Snaky-haired, dripping blood and phlegm, sometimes winged, always armed with whips, goads, and instruments of torture, the hideous Fury, or *Erinys* under her original Greek title, still haunts the world's imagination.¹ The word *Erinys* is etymologically related to words meaning “anger” and “strife.” In ancient Greece, an Erinys in the singular, or Erinyes in the plural, could represent the interests of a murder victim and come almost to symbolize him or her in the land of the living, as revenant or unpacified death spirits, thirsting for the blood of the murderer. The Erinyes who form the chorus of Aeschylus's tragedy *Eumenides* describe this role in legal terms: they claim to be “upright witnesses [*martures*] for the dead” (line 318).²

1. See, for example, Edith Hall, “Narcissus and the Furies: Myth and Docufiction in Jonathan Littell's *The Kindly Ones*,” in *Ancient Greek Myth in World Fiction since 1989*, ed. Justine McConnell and Hall (London: Bloomsbury, 2015).

2. All parenthetical references here to the text of *Eumenides* refer to the universally accepted line numbers in the Greek original, as they appear in Alan H. Sommerstein, ed. and trans., *Aeschylus*, vol. II: *Oresteia: Agamemnon, Libation-Bearers, Eumenides* (Cambridge, MA: Harvard University Press, 2008). The translations from Greek provided in this article are my own throughout.

But packs of terrifying Erinyes are also cosmic agents provocateurs, who go raving, like hounds on the scent of their prey, in pursuit of the nearest and dearest of the murderer who has become their victim, assaulting their minds and their emotional stability until they are forced into avenging their slaughtered loved ones. In their most ancient manifestations, within archaic Greek poetry, the Erinyes personify the principle that vengeance is both the duty and the privilege of biological relations of victims of crime. But the Erinyes's loyalty is instantly transferable when any new murder is committed. They do not go quietly back to their mother Night or into the underworld when they have drunk the blood of a murdered murderer: they move on and hound instead the new victim's surviving family. Erinyes therefore pose an absolute obstacle to conflict resolution. Their very function is to perpetuate, forever, the ineluctable, dialectical mechanism underlying reciprocal violence. Peace can never be achieved, in the ferocious, unforgiving world of the Erinyes, because every act of retribution inevitably creates the need for another one.

The Erinyes were conceived from the bloody drops that fell to Mother Earth from Ouranos's groin when his son Kronos castrated him and (temporarily) became Top God in his place. Yet not enough attention has been paid to the psychological situation (according to the archetypal account in Hesiod's archaic poem *Theogony*) in which Kronos's sisters, the Erinyes, were begotten. Kronos has no personal motive for hating his father. He just hated Ouranos from birth, Hesiod says (Kronos had an Oedipus complex long before Oedipus was born). But Ouranos does abuse both Mother Earth and his other children by her, the Titans. Although he has not himself suffered at his father's hands, Kronos takes it upon himself to wreak revenge on behalf of his mother and brothers, with whom he forms kinds of alliance. This primordial narrative explores revenge in extraordinary complexity. People can simply hate other people irrationally. They can also use the excuse of exacting retribution for wrongdoing, when all they want is to express their own unexamined feelings of hatred or to accumulate power in their own hands. Revenge can create alliances as well as divisions. And it is from Kronos's complex act of violence—the castration—that the (far from complex) Erinyes spring. The myth thus acknowledges that what may look on the surface like systematic and (in its own terms) logical retributive justice may encompass irrational emotions as well, the cynical self-appointment of exacters of vengeance, and—most frighteningly—intergenerational, dynastic, or power politics on a larger scale.³ But as long as a society regards lethal revenge as a personal, family, or tribal matter, such complexity will inevitably be ignored,

3. For fuller discussion of the primordial ethics of revenge as narrated in Hesiod's *Theogony*, see Edith Hall, *Introducing the Ancient Greeks: From Bronze Age Seafarers to Navigators of the Western Mind* (New York: Norton, 2014), 67–71.

and the primitive Erinyes, who represent Girardian mimetic violence in its most reductive form, will continue endlessly to obscure the true intricacy of conflict situations by swinging their pendulum of blood-feud terror.⁴

In 458 BC, classical Athens was trying to emerge from a terrifying and bloody civil war. The slaughter marked the culmination of more than half a century of complicated struggle, since the first democratic revolution, between socioeconomic classes, as well as between the aristocratic families that still supplied most political leaders. Also in 458, the annual Athenian competition in tragic drama, held at the festival of the god Dionysus, was won by a group of plays, Aeschylus's *Oresteia*, that stages a criminal, legal, moral, political, and indeed international diplomatic crisis that ends only when the Erinyes are finally neutralized. Their right to force families to avenge the violent death of kin is abolished. They are immobilized in a cavern beneath the Athenian Acropolis, and a court of law is established in which disinterested juries will henceforward decide whether to convict or acquit those accused of murder. The *Oresteia* is a dramatic portrayal of the final resolution of a lethal conflict that has been sustained through reciprocal violence over several generations.

The action takes place in a world safely removed from that of 458 by being set some eight hundred years earlier, in the Bronze Age. But the action's direct relevance to the conflicted city-state that witnessed its premiere is self-evident. Within the fictional world conjured up in the theater, the *Oresteia* stages the utopian fantasy of an enduring, nonviolent resolution of a violent and previously irresolvable feud. Such a peaceable solution to civic strife was exactly what most Athenians were in 458 desperate to achieve.

The action of the *Oresteia* also has direct relevance to the present symposium. In our own, horrifically conflicted postmodern world, is there anything we can learn from this remarkable premodern charter text regarding how a process of negotiation can replace physical force as a means of bringing about peace in a social context that is fundamentally discordant?

About three years before the premiere of the *Oresteia*, the leader of the mass of the Athenian people, Ephialtes, had been murdered, secretly, at night. Nobody was ever charged with the crime. Ephialtes's death was especially suspicious because he had led the mass of Athenian citizens in demanding—and achieving—reforms that increased their power at the expense of the hereditary nobility. Chief among these reforms had been a great reduction in the powers of the institution known as the Areopagus, of which membership had hitherto been restricted to Athenians of the upper classes.⁵ Ephialtes's reforms had trans-

4. See René Girard, *La Violence et le sacré* (Paris: Grasset, 1972).

5. See further Robert W. Wallace, *The Areopagus Council to 307 B.C.* (Baltimore: Johns Hopkins University Press,

1989). On the political context of the *Oresteia*, see further Edith Hall, *Greek Tragedy: Suffering under the Sun* (Oxford: Oxford University Press, 2010), chap. 5.

ferred most of its executive, deliberative, and judicial functions to institutions that included all Athenian citizen classes, including the lowest class of free working men (the *thetes*), and had transformed the Areopagus from a body with extensive executive powers into what was solely a law court in which some homicide cases would be heard. Many members of the upper classes, including those who had opposed the introduction of the original, less radical democracy back in 507, would have resented Ephialtes intensely.

The original audience of the *Oresteia* would certainly have speculated about the identity of Ephialtes's assassin(s), as later writers did; indeed, the assassin(s) would probably have been sitting in the audience.⁶ The wound of the death of Ephialtes would still have been fresh and green in the minds of his supporters. Aeschylus produced his *Oresteia* at a time when bloody acts of revenge with the potential to jeopardize the entire city-state were a real and present danger. The political views of his audience—perhaps ten thousand Athenian male citizens and their guests from allied and subject states—would have been diverse. Whatever Aeschylus's own political views, he needed to create a crowd-pleasing performance enjoyed by the majority of spectators from across at least the mainstream of political opinion. Aeschylus aimed to defeat the other two competing tragedians, and victory in the drama competition was awarded by a panel of democratically selected judges who needed to take into account the opinion of the audience, as expressed in cries of praise or disdain. Aeschylus's response to these conditions was to create a dramatic narrative in which the escalating reciprocal violence of the first two plays is magnificently halted in the third, the *Eumenides*, by judicial intervention and careful negotiation with disaffected stakeholders.

The superficial message of *Eumenides* is that it is time to let grievances go, to forget grudges and enmities, and to build a new and better society. Aeschylus scrupulously avoids drawing specific correspondences between his mythical characters and anybody—alive or recently dead—in his strife-torn city-state. There is no character who obviously represents Ephialtes; although the Erinyes, like the older members of the Areopagus, have their rights reduced and their role transformed, we are offered no harsh opponent of democracy and no unmasking of any secret assassins. There is, instead, the establishment of the first-ever homicide court, a trial by jury, and a shrewd set of diplomatic maneuvers following the trial to neutralize the threat posed by the defeated party.

The *Oresteia* begins in the middle of the cycle of retaliatory killings within the family of Orestes, based in the already ancient city of Argos in the Greek peninsula known as the Peloponnese. The problem had begun with strife between the Argive brothers Atreus and Thyestes, Orestes's ancestors on his father's side.

6. See Duane W. Roller, "Who Murdered Ephialtes?," *Historia* 38 (1989): 257–66.

Thyestes had slept with Atreus's wife, and Atreus had retaliated by killing all except one of Thyestes's sons. The clairvoyant Cassandra can see the childlike Erinyes, whom these murders unleashed, dancing in the palace at Argos and awaiting vengeance. When Atreus's sons Agamemnon and Menelaus declared war on Troy, and Agamemnon sacrificed his daughter Iphigenia in exchange for a following wind, the Erinyes found a new instrument of revenge in her mother Clytemnestra.⁷ She joined forces with Thyestes's surviving son Aegisthus and, in the first play of the trilogy, *Agamemnon*, killed her husband and his (wholly innocent) concubine, Cassandra. Clytemnestra's son Orestes was then ordered by the god Apollo at the Delphic oracle to kill her in revenge. In the second play, *Libation-Bearers*, Orestes stresses that he is in a no-win situation: he fears either to disobey Apollo or to incur the enmity of his mother's Erinyes. But—after a long coaching session from an angry chorus and his sister Electra—he works up the emotional strength to kill both his mother and Aegisthus in order to avenge his father. *Libation-Bearers* concludes with him running from the stage, pursued by visions of the Erinyes, within moments of completing the executions.

Which brings us to the *Eumenides*, the earliest surviving “courtroom drama” in theater history (it is also older than our oldest surviving Greek legal speech).⁸ In one of the most theatrically spectacular scenes in world literature, the Erinyes dream that the dead Clytemnestra commands them to avenge her. Desperate to drink his blood, they hound Orestes from the oracle at Delphi (where he has sought the aid of Apollo) to Athens. They find him seeking sanctuary at the statue of Athena, which probably means at the temple of Athena on the high Acropolis; alternatively, the scene is already the rock of the Areopagus, where Athena may well have had a cult image as well. Orestes addresses the statue, basing his claim for asylum on two arguments: (1) he has already been ritually purified by Apollo and thus presents no threat of pollution to the Athenians; (2) he can offer an alliance between the city of Argos, of which he is now king, and Athens, without Athens having to subdue Argos by force. The core question of whether or not he should be punished for committing murder is thus complicated from the outset. His guilt or innocence is not just a moral, theological, or even judicial matter: it is pertinent to international relations and diplomacy as well. As a Legal

7. The psychological tension and suffering in Argos after Agamemnon killed his daughter and left for Troy, and the hope that one day the tension would be resolved, are memorably described by the chorus, whose members had witnessed Iphigenia's slaughter: “In our sleep pain which cannot forget falls drop by drop upon the heart until, in our despair, against our will, comes wisdom through the awful grace of god” (*Agamemnon* 179–81). These lines were quoted by Robert Kennedy on April 4, 1968, the night of the assassination of Martin Luther King, Jr., to the distraught African Americans of Indianapolis, as race riots

flared in 110 US cities. See further Edith Hall, “Aeschylus, Race, Class and War,” in *Dionysus since 69: Greek Tragedy at the Dawn of the Third Millennium*, ed. Hall, Fiona Macintosh, and Amanda Wrigley (Oxford: Oxford University Press, 2004), 169–97.

8. The Greeks perceived a profound affinity between spectating in the theater and judging at trials: see Edith Hall, *The Theatrical Cast of Athens* (Oxford: Oxford University Press, 2006), chap. 12.

Realist would put it, the law cannot be separated completely from the real-world outcomes of particular cases. An important factor will be Orestes's status, in particular what he can offer the Athenians in return for protecting him. Aeschylus is already showing that the judgment and punishment of alleged criminals—and indeed asylum seekers—are impossible to disentangle from the wider social and political contexts of their actions.

The patron goddess of Athens, Athena, now appears. She has been administering Athenian territories near Troy and asks both Orestes and the Erinyes to identify themselves and explain their presence. But first she warns them against defaming each other in any way: "It is most unjust to speak ill of a neighbor who is blameless; right thinking shuns it" (410–12). These words can be read as her saying that a man is not guilty until proven to be so. Here she is inviting statements from each party in a manner that bears some similarities to the *anakrasis*, or preliminary hearing, which was required to precede any trial in classical Athens. Any citizen could ask for another to be summoned before a magistrate to answer a charge at an *anakrasis*; the accuser would lay a charge, and the accused would (usually) deny the charge. Both parties would be questioned by the magistrate and asked to support their statements with an oath. Only when the magistrate decided that there was merit in the case for the prosecution would he set the date for the trial proper.

The interchange between Athena and the Erinyes in Aeschylus's theatrical version of the *anakrasis* is fascinating. Here is the dialogue from the moment when the Erinyes have just charged Orestes with killing his mother (lines 426–35):

Athena: Were there any other reasons compelling him? Was he afraid of someone's anger?

Chorus: What provocation is so severe that it drives one to matricide?

Athena: Two parties are present here; only half the case is heard.

Chorus: But he will not accept my sworn deposition nor offer one himself.

Athena: You are more concerned with having a reputation for justice than in actually achieving it.

Chorus: What do you mean? You aren't exactly lacking clever things to say.

Athena: I say that injustice must not prevail on the strength of oaths.

Chorus: Well then, question him, and come to a straight judgment.

Athena: So you would be prepared to entrust the issue of the charge to me?

Chorus: Yes. We honor you because you are worthy and of worthy parentage.

In this remarkable exchange, Athena denies that the simple fact that someone has killed his mother is sufficient reason for him to be punished. If (to import anachronistic jurisprudential categories) the Erinyes are using an argument from

“natural law”—the argument that it is eternally, absolutely, and without exception wrong for a son to kill his mother—Athena is anticipating some of the arguments made by Legal Realists. She is opening space for the possibility that the law cannot be separated from other spheres, such as morality and politics. This archetypal legal case is already problematic, since the accused killer does not deny the charge and therefore can provide no affidavit. But Athena, since she is “not exactly lacking” in cleverness, is capable of seeing that motives and contexts may render an ostensible crime pardonable altogether. She is also planning to build an empire for Athens and needs to consider the interstate ramifications of the dispute. So she insists on hearing Orestes’s point of view.⁹

Orestes reassures Athena that, having been ritually purified, he will not pollute her statue. He explains who he is and that his father was Agamemnon, sacker of Troy, killed by his mother (Orestes does not mention the sacrifice of his older sister Iphigenia):

When I returned from exile I killed my mother and do not deny it, exacting retribution for my dearest father. And Loxias [Apollo] shares the blame for this, threatening to hurt my heart with painful goads, if I failed to inflict the penalty on those who were responsible for his death. So you judge whether I acted according to justice or not. I will approve of whatever happens to me at your hands. (462–69)

It is vital that both the Erinyes and Orestes formally accept Athena as adjudicator in their conflict. In Aeschylus’s vision of the history of civilization, a massive landmark is here passed: the response to an act of lethal violence is not another act of lethal violence by a representative of the victim, tied to her by kinship. The response is consensually to refer the question to an independent and (both parties currently assume) personally disinterested judge.

Athena is aware of the magnitude of the crisis. She closes the preliminary hearing with a speech setting out the complexity of the issues facing her (470–89). Her problem is contextual. She is not only the individual to whom the responsibility for adjudicating between these two (non-Athenian) litigants has fallen; she is not wholly disinterested, since they are on Athenian soil and she, as guardian deity of the Athenian city-state, must act in its interests. Moreover, the matter is too great, she says, for any single human being to adjudicate. It is not right even for her, a goddess, to deliver a judgment in the case of a kin murder. Although Orestes has been ritually purified and does not represent a threat to her city, she fears that the Erinyes, who have an ancient allotted role that cannot simply be dismissed, may indeed damage Athens if they fail to win their case.

9. Rebecca Futo Kennedy, “Justice, Geography, and Empire in Aeschylus’ *Eumenides*,” *Classical Antiquity* 25 (2006): 35–72.

Athena knows she has a problem on her hands with the Erinyes. She responds by establishing a tribunal in which a trial by jury—the first in history—will take place to decide the matter:

Having chosen and sworn in jurors I will institute this tribunal for all time. You call witnesses and proofs, sworn evidence to support your case. I shall return after selecting the best of my citizens to arrive at a truthful determination of this matter, once they have taken an oath that they will make no pronouncement contrary to justice. (483–89)

Athena leaves temporarily, after speedily inventing procedures to ensure the fairest possible trial. In Aeschylus’s Athens, there was an annual panel of about six thousand jurors (volunteers, over thirty years old) available for service, but we do not know how the particular jurors were selected for each trial. In the subsequent century, a complicated system of random selection by lot was introduced. In Aeschylus’s mythical world, Athena simply selects the “best” of her citizens. All parties—witnesses, providers of evidence, and jurors—are to be bound by oath.

The dramatic time between the preliminary hearing and the actual trial, while Athena leaves the stage to select jurymen, is filled by a song from the chorus of Erinyes. They are under no illusions about the magnitude of what is happening: if Orestes is acquitted, the theodicy of the universal order will be “overturned” (their term is *katastrophe*, from which we derive the English noun *catastrophe*). There will be “new laws.” If kin murderers are no longer to receive inevitable punishment at the hands of blood relations, punishment instigated by the Erinyes, then there will no longer be any deterrent against such crimes. They foresee the complete disappearance of justice from society and insist that fear is a necessary instrument in the control of human behavior.

With the question left dangling of how fear of reprisals for wrongdoing can be maintained if Orestes is acquitted, Athena returns to the stage to open her innovative tribunal. The scene changes to the Areopagus. She brings with her both jurors and an attendant crowd of Athenian citizens—ancestors of the very audience sitting in the theater in 458. This epochal moment is marked by a trumpet signal, calling the court to silence. Apollo is present and explains that he has come to act both as a witness for Orestes and as his advocate. Athena orders the prosecution to begin the trial (which was certainly the procedure in classical Athens), and the Erinyes interrogate Orestes. He admits that he killed his mother Clytemnestra and asks a telling question that has not been raised before: why did the Erinyes not ensure that she was punished for killing his father? Their response exposes a weakness in their rationale for exclusively avenging the murder of kin: the Erinyes claim that they did not arouse an avenger for Clytemnestra because she was not biologically related to the man she killed. She did

not share blood with Agamemnon (605). The Erinyes's stating their rationale precipitates exposure of its inadequacy—the inadequacy of determining culpability for homicide based on the nature of the relationship between perpetrator and victim. Our focus shifts away from the fact that Orestes committed murder to the philosophical, or even physiological, question of which familial tie is the most sacred—husband/wife, mother/child, or father/child.

Apollo now speaks. He testifies that he commanded Orestes to kill his mother and that the command issued ultimately from Zeus himself, the king of the gods. But, as defense attorney, Apollo evades discussing the death of Clytemnestra, instead replaying before the jurors' imaginations her murder of Agamemnon. He effectively attempts to put Clytemnestra on trial in place of her son. Apollo claims that the two killings are not at all equivalent, since Agamemnon was the holder of a regal scepter given by the gods, whereas Clytemnestra was no more than a woman. Moreover, she did not kill Agamemnon in combat, like an Amazon, but in a peculiarly chilling and humiliating way:

She received him back from the expedition (on which he had dealt with most things well in the view of those favorable to him). Then, when he was stepping over the very edge of the bath, she cast a garment over it like a tent, fettering her husband in a long patterned robe, and cut him down. This is how the man died, as I have described it to you—a man who was entirely majestic and the admiral of the fleet. As for the woman, I have spoken about her in a way intended to arouse the indignation of the people who have been appointed to judge this case. (631–39)

The issues of the case, as far as Apollo is concerned, are therefore (1) the relative status of the two murder victims, with explicit reference to Agamemnon's successful prosecution of the Trojan War; (2) the manner of the killing (but only in the case that is *not* on trial); and, implicitly at least, (3) the gender of the two victims. Apollo admits that he is attempting to rouse the jurors' emotions against the woman whose killer they are ostensibly trying. In a modern Western court, the prosecution lawyer could ask the judge to overrule some or all of the statements that Apollo makes as irrelevant, inflammatory, or prejudicial (as well as fundamentally sexist). But such tactics are, regrettably, standard features of surviving Athenian legal speeches, so it is open to discussion whether Aeschylus did or did not want his audience to identify the elements of unfairness in Apollo's speech, with its attempt to distract the jury from its basic responsibility.

The Erinyes, at all events, make no objection to Apollo's tactics. Instead they develop his comparison of the two murderers' culpability but in light of their own criterion of biological proximity. They are not as clever in argument, however, as Apollo. In his defense oration, he counters them with the bizarre claim that children are not actually connected biologically with their mothers. A

woman only receives and nurtures the seed from a man, he asserts, as the earth nurtures a plant (658–66). Although many commentators point out that some esoteric philosophical schools in Aeschylus’s day may have propounded such a belief, in my view Aeschylus knew that it was not the intuitive belief of most people in his audience and that they would not have been convinced by Apollo’s naked sophistry. My reason for this conviction is that, in Athenian law, it was acceptable for a man to marry his half-sister, but only if they had different *mothers*. Children from the same womb could not marry, even if they had different fathers, which strongly implies a deeply held belief that children were physiologically far more intimately connected with their mothers than with their fathers. Apollo, however, does not end his case here: he shrewdly repeats Orestes’s argument that, if acquitted, the new king of Argos could offer Athens an alliance. Then Apollo adds a promise of his own support, as a god, to the rising Athenian city-state (667–73).

The cases for the prosecution and defense of Orestes are at this point completed, yet there has been virtually no discussion of the crime of which he is accused. There has been no description of the murder and no witness testimony. The prosecution has put a very simple case to the jury: he killed his mother, thus breaking a primordial taboo, and must therefore pay the traditional penalty. The defense has avoided discussing the crime: between them, Apollo and Orestes have argued instead that Clytemnestra was a less important human being than Agamemnon, that she committed a peculiarly cruel murder, and that the bond between mothers and children is not biological. Her death had been sanctioned by Zeus, and moreover Apollo, not Orestes, was responsible for it. The jury is also apprised that Apollo and Orestes can confer benefits on Athens if Orestes is acquitted. Athena now closes the debate and officially inaugurates the court of the Areopagus with one of the most important speeches in ancient Greek literature. She addresses it to the Bronze Age jurors and the bystanders on stage, as well as (indirectly) to the classical audience in the theater. She begins with the resounding words, “Hear now my ordinance, people of Attica, as you judge the first trial for bloodshed. In the future, even as now, this court of judges will always exist for the people of Aegeus” (681–84). Then she sounds what is for her a new note, although it echoes a principle previously voiced by the Erinyes: one of the functions of the court, she prescribes, will be to maintain a level of *fear* among the citizens of Athens. Its existence will act as a deterrent to wrongdoing.

Deterrence, an attentive spectator will immediately note, has been a central function of the Erinyes. Athena is saying, among other things, that the terror of the Erinyes, the archaic instrument for frightening people out of killing their kin, is replaceable by fear of trial by a jury of their peers:

On this hill, the reverence of the citizens, and fear, its kinsman, will hold them back from doing wrong by day and night alike, so long as

they themselves do not pollute the laws with evil streams; if you foul clear water with mud, you will never find a drink. (690–95)

The Areopagus can continue to uphold law and order by maintaining fear of prosecution in the hearts of Athenian citizens but only if they “do not pollute the laws with evil streams.” On the interpretation of these enigmatic lines rest decades of intense argument between scholars regarding Aeschylus’s own views of the recent reform of the Areopagus.¹⁰ Some say that he is objecting to the reformist legislation—the “evil streams”—and that the Areopagus should have retained its ancient centrality to the constitution. Others maintain exactly the opposite—that he is saying the Areopagus was ordained by the gods to be a homicide court alone and should never have acquired the political powers that it had accumulated subsequent to its foundation. Ephialtes, on this view, was restoring the authentic, original role of the Areopagus and removing the mud with which its waters had been corrupted.

My own view is that Aeschylus wanted to please as many spectators as possible, on both sides of that fence. In order to do so, he produced a brilliantly ambiguous statement that could easily be interpreted as in favor of either conservative aristocrats or democratic radicals (or indeed of the whole moderate spectrum in between). He glossed over the contentious issue, dressed it up in beautiful, gnomic, mysterious poetry, and hoped that the pleasure his work brought, to all factions, would help to build consensus, dispel enmity, and take the united community forward into the future.

Athena concludes with advice to her citizens that extends beyond the role of the Areopagus to the constitution that it will defend. She advocates “neither anarchy nor tyranny” but a middling form of constitution protected by fear of the law. The Areopagus is to be a tribunal “untouched by greed, worthy of reverence, quick to anger, awake on behalf of those who sleep, a guardian of the land” (704–6). She closes by instructing the jurors to cast their votes. The Erinyes and Apollo continue to squabble as the votes are cast, without adding anything substantive to the arguments they have already made. Their interchange consists of six short speeches by the Erinyes and five by Apollo, which most scholars believe indicates that there were eleven citizen jurors who cast their ballots, one in time to each of the speeches in the interchange. Then comes the crucial moment when Athena, who is the last (and probably the twelfth) juror, casts her vote. Unlike the citizen jurors, she tells us which way she is voting (734–41):

It is my duty to give the final judgment, and I with this my ballot shall vote in favor of Orestes. For there was no mother who gave me birth;

10. See, for instance, Colin William MacLeod, “Politics and the *Oresteia*,” *Journal of Hellenic Studies* 102 (1982): 124–44.

and in all matters, with the exception of entering a marriage, I wholeheartedly back the male and am emphatically in support of the father. I will not, therefore, privilege the death of a woman who killed her husband, the overseer of the house. Even in the case that the vote comes out equal, Orestes wins.

With this statement of gender-based bias, Athena, the virgin goddess sprung from her father's cranium, orders the ballots to be counted. They do indeed fall out equally, probably with six votes on each side. But Athena's vote bears just enough more weight than those of the citizen jurors for Orestes to be acquitted. He leaves, a free man, for Argos, repeating his promise of an eternal alliance with Athens.

But Athena's greatest challenge is still before her. The Erinyes's destructive powers may have been deflected in Orestes's case, but they now present a terrible danger to the Athenians. The Erinyes, who have always provoked others into avenging their grievances, have suddenly become victims of what they perceive to be an outrageous assault on their own honor. For the first time, they want revenge for themselves rather than, vicariously, for another party. Their voice, as no other victim has voiced throughout the whole of the *Oresteia*, the toxic cocktail of insult, anger, grief, pain, vindictiveness, and malice experienced, in all times and places, by victims of damage inflicted by another:

O younger gods, you have ridden roughshod over the ancient laws and have seized them from my hands! And I am dishonored, miserable, filled with deep anger. Aaah! In this land I'll release venom, venom from my heart in requital for my grief, drops intolerable to the earth. From them come a canker that wipes out leaves, destroys children—a just return—as it speeds over the plain, hurling infectious defilement on the land, ruinous to human beings. I groan aloud! What shall I do? I am a laughing-stock. What I have suffered is unbearable. Ah, the daughters of Night have been greatly wronged and mourn the dishonor done to them. (778–92)

(Let us not forget that the ancient Greeks were happy to admit that revenge could bring an almost sensual pleasure.)¹¹ It is at this climactic moment, when the aggressor has turned dialectically into the victim but begins planning retaliation to reverse the roles yet again, that the fundamental defect of vengeance-based justice becomes clear. If the Erinyes are allowed to attack the Athenians, then the vengeance cycle that began in the Argive royal family will be transferred to Athens and escalate as, not one family, but an entire community comes under threat.

11. See William Vernon Harris, "Lysias III and Athenian Beliefs about Revenge," *Classical Quarterly*, n.s., 47, no. 2 (December 1997): 363–66.

Athena must act swiftly if she is to neutralize the Erinyes's menace. But given the several types of emotion that these dangerous, defeated goddesses are feeling—loss of status, fear of being mocked, grief, anger, and desire to harm the people of the city-state they perceive as having wronged them—she needs to think hard as well as fast about how to handle them. There is no crisis in ancient literature where finding a peaceful solution to enmity is presented as such an overwhelmingly pressing concern. Athena rises to the challenge. She is presented in the ensuing negotiation as an ideal fantasy figure of a diplomat (she is, after all, the goddess of wisdom and strategic planning). Her way to a solution is to think “outside the box.” After stressing that the vote was split equally, which means that the disgruntled Erinyes were not, technically speaking, defeated, she swiftly moves on to make an offer of compensation. The Erinyes have lost their right to avenge kin murders, so Athena thinks up an entirely new, constructive role for them as resident guardian deities of her city-state. Formerly itinerant beings, dwellers in the earth below the human world and allied to no particular place or community, they are offered a new and permanent residence in a cave beneath the Athenian Acropolis. In a series of four dynamic interchanges, Athena outlines her proposal: the Erinyes will have a throne at every Athenian ancestral hearth and copious gifts from the citizens of Athens—the sacrificial first fruits offered to honor marriage and childbirth. Since Athens is destined to become an imperial power, the Erinyes will regret not throwing their lot in with her citizens.

Athena's clinching offer—after hearing which the Erinyes finally show signs of preferring a peaceful resolution—is to make them collectively a “landowner” (*gamoros*, 890) in Athens.¹² This term was used to designate members of Greek city-states with substantial holdings of land, neither aristocrats nor craftsmen but possessors of good status somewhere between these two groups.¹³ It may even be that Aeschylus is suggesting that the Erinyes, in their new, constructive role, can somehow join, symbolize, or represent the “middle class” in Athenian society. They are perhaps avatars of the men who had less stake in the argument over the reform of the Areopagus than either the aristocrats or the lowest citizen class (the *thetes*), whose interests had been represented by Ephialtes. Having accepted Athena's offer, the Erinyes are assured that Athena will forever protect their privileged status. They will have the power to confer on virtuous citizens the blessings of agricultural and reproductive fertility but also to harm those who are impious.

The play ends in a triumphal procession. The Erinyes are formally transformed into “Kindly Ones,” the titular Eumenides, as they are dressed in new red cloaks. They are formally welcomed into the Athenian community in a torch-

12. The word here, although requiring a very slight textual emendation, is almost universally accepted as the correct reading.

13. See, for example, Herodotus, *Histories* 7.155, and Plato, *Laws* 5.737e.

lit procession, joined by citizen women and children, and escorted to their new home beneath the Acropolis. The play thus enacts the transformation and assimilation of a large and dangerously disaffected group. Athena's feat is all the more remarkable because the vote had been split precisely in half—indeed, without Athena's vote, the Erinyes would have been victorious. The crisis that Athena faced is the same one faced by every political system where the principle that we refer to as Utilitarian (“the greatest happiness of the greatest number . . . is the measure of right and wrong”) results in very large disaffected minorities. Athena's solution to the crisis in her city is to identify what the apparently repellent and noxious goddesses might be able to offer Athens. Goddesses with the power to pollute individuals or a community at will must surely have the power to protect them from pollution as well: who knows what seemingly intractable conflicts in the world today might not be resolved with such creative lateral thinking? Finding out what the Erinyes are good at, and channeling it in a constructive direction, while ensuring that they feel welcomed and respected, offers diplomats, politicians, and negotiators an admirable model.

Athena's diplomatic maneuvers in the final section of the play are exemplary in other respects as well. She is psychologically astute: she addresses the Erinyes at all times with formality, yet her tone is soothing and gentle: “Lull to sleep the bitter force of your dark wave of anger, and know that you are held in equal honor and are co-resident with me” (832–33). She acknowledges their distress and tactfully reassures them that she can “bear their rages” out of respect for their seniority (848). She is patient—her first three speeches during the diplomatic encounter are rebuffed with outbursts of anger that shows no sign of subsiding. Modern politicians might learn too from the clarity with which the terms of the agreement are laid out. The Erinyes are told exactly what their position and privileges will be at Athens, and Athena offers them her personal guarantee that her protection will be permanent. But the Erinyes are also told what they are *not* allowed to do: although they are free to leave if they so choose, the offer of a stake in Athens's future is on the record. It means that, stay or leave, they must relinquish all rights to damage the city. Athena further makes it explicit that they are not to incite civil war in her city (858–64):

So do not cast on my territories sharp incitements to bloodshed so harmful to young temperaments, making them crazed without any need of wine; and don't engender in my citizens the spirit of tribal warfare and bravado against each other, as if transplanting the hearts out of fighting cocks! Let their war be with foreign enemies.

Accordingly, the Erinyes utter a formal prayer that the city will be protected from civil strife (*stasis*), a prayer in which Aeschylus no doubt hoped his entire audience would join (976–87):

I pray that the roar of discord [*stasis*], insatiable for evil, may never be heard in this city, that the dust may never drink its people's dark blood, and that rage may not cause revenge murders which destroy the city-state. May the citizens feel reciprocal, mutual affection for one another, and hate unanimously. This cures many problems among human beings.

Aeschylus's *Eumenides* is an astonishing piece of public art that offers a mythical paradigm, an ancient etiology, for the healing of wounds in the tragedian's own *stasis*-torn city-state. It is a charter myth but also, in itself, a form of collective worship, a communal rite for the god Dionysus, in which not only the actors but also spectators who had been murdering rival leaders, or thinking about reprisals, could all participate. We could use such rituals today. Yet it would be naive to underestimate the text's dark undertow. A modern audience looking for ideas that can help them with conflict resolution must pay close attention to the problems that Aeschylus exposes, glances at, or attempts to obscure or erase. Near the end of the play, Athena thanks the goddess Persuasion, Peitho, for keeping watch over her tongue when the Erinyes were being obstructive. Violence has not been required, for "Zeus of the Assembly has prevailed" (970–73). Zeus in his capacity as god of civic speech, of peaceful public debate, has overcome strife. *Zeus agoraios* is a beautiful idea, but a cynic would certainly point out that Athena, in her second speech in the diplomacy scene, mentions Zeus in a rather different capacity. Rebuffed by the Erinyes after her initial diplomatic approach, she reminds them that she can, if it becomes necessary, resort to force majeure:

I rely on Zeus, too—and what need is there for mentioning it? And I alone among the other gods know the keys to the house where his thunderbolt is sealed. But there is no need of that, so yield to my persuasion. (825–29)

Athena makes sure that the Erinyes are aware that she possesses the ultimate sanction. No being, mortal or immortal, could withstand the dread power of Zeus's thunderbolt, and only she and her father have access to it.

From the perspective of conflict resolution, we may be able to admire Athena for laying down this clear boundary, while making her point as tactfully as possible (in a *praeteritio*, the rhetorical figure whereby a speaker mentions something in a phrase while denying that he or she is going to mention it). On the other hand, the Erinyes do not respond positively to her veiled threat. They do respond well, however, to her later offer of the status of *gamoros*. Thus, the play leaves open the efficacy of using "sticks" (citing force majeure) in diplomacy, while the value of using "carrots" (incentives) is clearly established. There are also several problems with the trial procedure and with Athena's role in it, some of which may have been as obvious to Aeschylus's audience as they are to us now.

Athena is hardly a disinterested magistrate: she is the sister of the defense attorney. Taking their distinguished parentage into account would be ruled out of order in a modern Western court. Moreover, no agreement is reached before the trial about the number of votes necessary for a determination to be reached. The crime of which Orestes is accused is not described or analyzed; no witnesses to it are called. The assault on Clytemnestra's character is of questionable relevance, and her motivation for killing Agamemnon (the sacrifice of Iphigenia) is excluded from discussion. The rationale for legally distinguishing the crime of murder qua murder from murder by close family members is never fully clarified or justified; the "collateral damage" deaths of Cassandra and Aegisthus are casually ignored. The case made by Apollo relies on specious sophistry, and he admits that he wants to prejudice the jury against Orestes's mother to enhance his case. Worst of all, Athena makes her judgment on the ground that she favors one social group (fathers/men) over another (mothers/women) and will therefore always support the interests of the former. To a modern audience, and perhaps to some members of an ancient one, her explanation of her vote is an expression of the blatant institutionalized patriarchy of ancient Athens. A contemporary practitioner of Critical Legal Studies would underscore, since law is an expression of policies that further the agenda of the dominant social group, that Orestes is a man and the person he killed was a woman. It is little surprise that feminist thinkers from Simone de Beauvoir in *Le Deuxième Sexe* (1949) onward have pointed to the vote of Athena in *Eumenides* as a crucial symbolic document in the historical archive of patriarchy.¹⁴

We have much to learn from the richly nuanced dramatization of conflict resolution in Aeschylus's *Eumenides*. The right of the Erinyes to voice their pain and to have it acknowledged could fruitfully be discussed in terms of both "truth and reconciliation" proceedings and the legislating of victims' rights. I would enjoy, as a classicist, watching a performance alongside specialists in law, jurisprudence, international relations, diplomacy, mediation, and arbitration and discussing its implications with them. I would not enjoy, but would nevertheless be interested in watching, a performance alongside people who have suffered the violent death of loved ones or have been implicated themselves in killing. Still, the ethical convolution of the trial and diplomacy sequences makes any such performance an exceptionally difficult challenge. The *Oresteia* is frequently performed these days, sometimes in contexts where real-world conflicts of the worst kind have been witnessed, and *Eumenides* is sometimes staged as a freestanding single drama.¹⁵ I have seen many productions, including some by internationally

14. See, above all, the pioneering article by Froma J. Zeitlin, "The Dynamics of Misogyny: Myth and Myth-making in the *Oresteia*," *Arethusa* 11, no. 1 (1978): 149–81, reprinted in her *Playing the Other: Gender and Society in Classical Greek Literature* (Chicago: University of Chicago Press, 1995), 87–119.

15. See further Fiona Macintosh, Pantelis Michelakis, Edith Hall, and Oliver Taplin, eds., *Agamemnon in Performance, 485 BC to AD 2004* (Oxford: Oxford University Press, 2006).

renowned directors—Peter Hall, Peter Stein, Ariane Mnouchkine, and Katie Mitchell—yet I have never seen one that I found fully satisfying intellectually. My suspicion is that most directors are not able or prepared to embrace this troublesome, slippery, and evasive script in its full intricacy, density, and inconsistency. It does offer lucid insights into the creation of conditions in which intractable conflicts can be resolved. The most important in the trial scene are the insistence on hearing both sides of the argument and the holding of the tribunal in a neutral space removed from the location of the crime, in front of a personally disinterested jury. In the diplomacy scene, we can admire the respect that Athena shows the Erinyes, her acceptance of their right to express their emotional pain, and ultimately her creative solution: a package of new rights and privileges, giving them a stake in the welfare of the community.

At the same time, however, the sufferings undergone by Iphigenia, Cassandra, and Clytemnestra are indeed brutally suppressed. Moreover, the trial procedures, as staged, validate the right of men to use the law as a lever to secure their power over women, as well as the right of Athenians to use their courts to pursue their own international self-interest. The *Eumenides* needs a director who can embrace this dialectical complexity and exploit the opportunity to show both the positive and negative dimensions of the conflict-resolution procedures portrayed. If any director out there is prepared to volunteer, I would be happy to be academic consultant.