

Interpretation

A JOURNAL OF POLITICAL PHILOSOPHY

Fall 1989

Volume 17 Number 1

- 3 Ernest L. Fortin Thomas Aquinas and the Reform of Christian Education
- 19 Michael Palmer The Citizen Philosopher: Rousseau's Dedicatory Letter to the *Discourse on Inequality*
- 41 David Bolotin The Concerns of Odysseus: An Introduction to the *Odyssey*
- 59 Morton J. Frisch Edmund Burke and the American Constitution
- 69 Mera J. Flaumenhaft Seeing Justice Done: Aeschylus' *Oresteia*
- 111 Roger D. Masters Evolutionary Biology and Naturalism
- 127 Celia McGuinness The *Fundamental Constitutions of Carolina* as a Tool for Lockean Scholarship
- Book Reviews*
- 145 William Mathie *The Rhetoric of Leviathan: Thomas Hobbes and the Politics of Cultural Transformation* by David Johnston
- 152 Chaninah Maschler *Death and the Disinterested Spectator: An Inquiry into the Nature of Philosophy* by Ann Hartle

Interpretation

Editor-in-Chief Hilail Gildin

Editors Seth G. Benardete • Christopher Bruell • Charles E. Butterworth • Hilail Gildin • Robert Horwitz (d. 1987) • Howard B. White (d. 1974)

Consulting Editors Joseph Cropsey • Ernest L. Fortin • John Hallowell • Wilhelm Hennis • Erich Hula • Harry V. Jaffa • David Lowenthal • Arnaldo Momigliano (d. 1987) • Michael Oakeshott • Ellis Sandoz • Leo Strauss (d. 1973) • Kenneth W. Thompson

Associate Editors Wayne Ambler • Maurice Auerbach • Fred Baumann • Michael Blaustein • Patrick Coby • Christopher A. Colmo • Edward J. Erler • Maureen Feder-Marcus • Joseph E. Goldberg • Pamela K. Jensen • Grant B. Mindle • James W. Morris • Will Morrisey • Gerald Proietti • Charles T. Rubin • Leslie G. Rubin • John A. Wettergreen (d. 1989) • Bradford P. Wilson • Hossein Ziai • Michael Zuckert • Catherine Zuckert

Manuscript Editor Laurette G. Hupman

Subscriptions Subscription rates per volume (3 issues):
individuals \$21
libraries and all other institutions \$34
students (five-year limit) \$12
Postage outside U.S.: Canada \$3.50 extra; elsewhere \$4 extra by surface mail (8 weeks or longer) or \$7.50 by air.
Payments: in U.S. dollars AND payable by the U.S. Postal Service or a financial institution located within the U.S.

CONTRIBUTORS should send THREE clear copies with their name, affiliation of any kind, address with full postal/ZIP code, and telephone number on the title page only; follow *The Chicago Manual of Style*, 13th ed., or manuals based on it; and place notes in the text or follow current journal style in printing notes.

Composition by Eastern Graphics

INTERPRETATION, Queens College, Flushing, N.Y.
11367-0904, U.S.A. (718)520-7099

Seeing Justice Done: Aeschylus' *Oresteia*

MERA J. FLAUMENHAFT
St. John's College, Annapolis

No one knows for sure when human beings first gathered together to watch their fellows stage a play. And no one knows when formal trials became regular events in the lives of civilized communities. There is no evidence that these institutions developed together. But the watching of trials seems to have much in common with the watching of plays. Speech, action, and props are arranged to display events that are not really occurring as they are watched. In each case, a staged representation imitates past or possible events, and elicits the passions and judgments of the assembled spectators. Perennial interest in accounts of "dramatic" trials, the continual popularity of courtroom dramas and movies, and recent interest in televised crimes and trials, all suggest that dramatic reenactment and judicial judgment are fundamentally related to each other.

Perhaps it is no accident that the first and foremost drama of the Western world is about the establishment of institutional public justice. Presented in a city where, at different times, the same citizens are required to constitute themselves as collective spectator in the theatre and collective jury in a court of law, the *Oresteia* is at once a poetic and a political event. It tells the story of how a community comes to look together to see that justice is done. As such, it is one of the deepest meditations on human beings as moral and law-abiding beings, and on what is necessary to heal individuals, families, and communities when they have been violated. But it is even more than a meditation on justice and punishment, even more than a guide for those who make institutional arrangements for handling such matters. The trilogy itself, staged for citizen-spectators, contributes, as the courts do, to making justice visible. No wonder Aeschylus wanted to tell this story in the theatre.

This essay follows the order of Aeschylus' plays and, in so doing, demands, as the plays do, that its readers be patient about the outcome. As in the *Oresteia*, the full meaning of suggestions at the beginning of the discussion will come to light only toward the end. The first two parts of the essay, which focus on the first two plays of the trilogy, discuss kinship and revenge in commu-

This essay is a companion-piece to my "Looking Together in Athens: The Dionysian Tragedy and Festival," which appeared in *The St. John's Review*, Spring, 1984, 48-59. Quotations from the *Oresteia* in the present essay are mostly from Richmond Lattimore's translation (Chicago, 1953), in which line numbers closely follow the Greek text. Translations that differ from Lattimore's are my own.

nities where the primary institution is family. This discussion does not aim at full literary exegesis. Rather, it focuses on the theme of vision. Part One, on *Agamemnon*, explores the inadequacies of private justice in communities where outsiders have no visual access into the affairs of private households, and no power to act on what they can see. Although public justice is not yet possible, private justice has its satisfactions, and these, too, are related to the looking of the actors. An examination of Clytemnestra as the stage director of a symbolic drama that convicts her husband in her eyes, suggests that, later, when justice becomes public, it must still in some way exhibit the violator as she does. Part Two shows that, in *The Libation Bearers*, Argos is still a city in which justice is executed from within the family. But the middle play opens a passageway between the restricted views and cyclic revenge of *Agamemnon* and the full view and conclusive justice promised in *The Eumenides*. Again, the discussion focuses on what is visible and on who is watching. Part Three, on *The Eumenides*, describes the genesis, in Athens, of fully visible public law in a community of citizens fully on view to each other. Publicly staged trials resembling theatrical dramas replace the privately staged dramas of Clytemnestra. They clearly articulate the alleged violation and require the accused and accuser to face each other in the sight of their shared community. Foreign relations, as well as judicial arrangements, develop as even nonnative outsiders become visible in the city. Under the aegis of Athena, Orestes is acquitted of his matricide, and the age-old deities of blood revenge are assimilated into the civic order.

But even as it celebrates this humane and intelligent solution, the last play raises deep questions about political enlightenment and the effects of rational institutional judicial arrangements. Part Three attempts to articulate what may be lost, as well as what is gained, in the formation of a community of citizen-spectators. Looking at ourselves in the light of the *Oresteia*, Parts Three and Four of this essay ask what we can learn from Argos, as well as from Athens, as we constitute our own judicial and penal institutions. Finally, the discussion returns to Aeschylus' theatre. Partly drama, partly trial, the tragedy displays our humanity and reminds us that, to be human, we must not lose sight of first things.

PART ONE

THE HOUSE ABOUT THE HEARTH: *AGAMEMNON*

The *Agamemnon* repeatedly displays people whose fortunes are determined by a reigning family, but who are excluded from full action in the affairs of that family. Dependent upon their masters, attached to their *oikos* ('house, household'), most of them are primarily onlookers. They observe alone or together, but they do not constitute a full community of observers. They stand on the roof, or before the gates, hoping for a message, imagining what is happening

within. The Watchman, Chorus, and Cassandra are haunted by the violations of the House of Atreus, but cannot affect events. Their visions of the past are filled with accounts of others who witnessed and appealed with their eyes, but for whom there could never be full justice. Clytemnestra, unlike these outsiders, takes action in her own case. Disturbing though she is, her deeds and the account she gives of herself must be taken seriously, even as more enlightened, civilized arrangements supercede her bloody personal revenge.

The play begins with a solitary Watchman lying “dogwise” upon the roof of the palace, waiting for a signal light. Beyond the announcement expected of him, he is not free to speak: there’s an “ox on his tongue” (36). Obedient watchdog to the house, he looks, not only on his own behalf, but on orders from the queen. His ambiguous, riddling speech is disturbing, yet he cries for her to rise from her bed and raise an *ololugmos* (‘a joyous cry’) (28) for the victorious return of her husband. He thinks not only of the queen, but of the whole household and of the gods. *Theous* (‘gods’) is his first word and, thus, the first word of the play. He cannot see these gods. But he has been able to observe the distant processions of heavenly dynasties and looks forward to the joyful earthly processions that will greet his lord’s homecoming. By the time he finishes speaking, it is clear that something is very wrong in Argos. He says he, too, will “make a choral prelude” (31), but we never see him dance or even speak with another. The anticipated “choirs of multitudes in Argos” (23) never materialize. As the Chorus enters, the Watchman remains fixed upon the roof, a permanently immobilized spectator. We never see him again.

The Chorus comes on in full motion, but their dancing soon serves to emphasize how immobilized they also are. Unlike the Watchman, they look as a group, but their looking, too, is ineffectual. “Ares” is no longer in these aged witnesses (78); they are “no stronger than a child” (81). Like the Watchman, they have no public role. Unlike other tragic Choruses, they are never consulted or confided in by their rulers. Their authority is not political but mantic; they have only “singing power” (106). Positioned always outside the gates of the great *oikos*, unable to see within, they turn their vision upon the past, depicting past events as if they could see them, making present in our eyes even pictures they never saw. By making memory visible, they gain some control over the past in which they may have muttered, but had no say. The Chorus speaks repeatedly of people who have no shame, who behave as if no one is watching. Like the Watchman, they look to the gods, who are “not unregardful” (*ouk askopoi*) (461) of murderers. The Furies will strike down the unjust man and send him to “obscurity” (*amauron*) among the “unseen” (*aistois*) (463–67). On his return to Argos, Agamemnon explains how the gods cast votes for Ilium and all her people to be destroyed. His anachronistic image suggests the Athenian jurors we shall see in the third play, but the image is shattered by the thought of the “bloody urn” into which the gods cast their pebbles (815). Immortal voting does not bring an end to the cyclical vendettas

of mortals. The mortals are agents of the gods, and the righting of one violation always brings a new one.

Aeschylus' Zeus, like the all-seeing gods in Homer, watches all, but he himself is not visible to the eyes of mortals. Awesome power, he has no looks, no shape; he is never made manifest on stage. His justice is certain, but unpredictable, murky, a source of fear more than of confidence. His bird omen, for example, was "clear-seen" (*phanentes*) and "watched by all" (*pampreptois*) (116–17), but only the mantic seer could say what it meant. Calchas, standing slightly outside the human community, observes what the others observe and is able to interpret the mysterious signs of the god. But Calchas' vision, like that of many mantics, gives no guidance for action. Though he is a trustworthy seer, he contributes little to the political foresight of the community whose eyes he is. Zeus is sure to strike down shameless violators who act as though he's not looking, but he is very remote from the people, the *oikos*, and the city that he oversees. It soon becomes clear that there are many deities in the world, and that they often impose conflicting demands on the mortals who look to them for guidance. Repeatedly, in *Agamemnon*, perplexed mortals speak about their futures in the subjunctive or optative. Agamemnon, with one eye on the gods, sighs "May all be well" (217) as he resolves to kill his daughter. Even for those who are not torn by conflicting demands, who respect Zeus and regard the right, there is no assurance of prosperity. All they can say is, "Sing sorrow, sorrow, but may good win out" (121).

As the Chorus describes it, Agamemnon was surely given a difficult choice at Aulis. But it is clear that, once he made his decision, he acted sacrilegiously, as if no god or human would notice and judge. Aeschylus emphasizes the way it *looked*: Iphigeneia on the altar, "lovely as in a painted scene" (242), struck her murderers with "eyes' arrows of pity" (241). But neither her eyes, nor the appeals of witnesses, nor the consciousness of all-seeing gods deterred her daring sacrificers. She looked in vain for justice. Like the Watchman and the Chorus, she was also limited in her motion and speech. Bound and gagged, her speech overcome by force, her only appeal to justice was a checked "curse on the house" (237).

In a later ode, the Chorus remembers Helen. She, too, behaved as if no one were watching. They emphasize the ephemerality of her presence and her beauty. Aeschylus never makes her visible on stage. As in Homer, the audience "sees" only the effects she has had on others. Her own lack of responsibility is intensified because no one ever really responded to *her* crime. Despite the vast disruptions that result from the crimes of Paris and Helen, there is no disinterested *public* examination. The citizens and prophets of Argos were mere onlookers to the violation in the great house. A royal family was insulted. Obligated to save face, they pursued a great war in a private vendetta fought by unwilling citizens and ambitious foreigners. Paris and his city are punished; the Argives win the war. But Menelaus is a loser. How can the victory address his

loss? After she left, Helen's "traces" (*stiboi*) remain in his bed, and a "phantom" (*phasma*) seems to rule the house. But in the "blank gaze of his eyes, all Aphrodite is gone"; the "vision" (*opsis*) slips from his hands (414–26). After the war, the Herald reports that Menelaus, like Helen, is now "lost to sight" (*aphantos*) (624). For the violations that reduced her husband and many young Argives to nothing, Helen is never visibly punished. There is not even a private face-to-face reckoning. As a result, the case is never really brought to a conclusion. Menelaus' visions are of Helen before she betrayed him. He does not imagine her in the act of violation. The legends tell how, after the war, he restored her to their "home." But his manhood is never restored. Homer completes the story of Helen and Menelaus in Book Four of the *Odyssey*, one of the most painful and poignant depictions of looking the other way every written.¹ Helen, whom the gods have made barren, offers a memory-deadening drug to allow herself and her husband to keep up appearances. Despite their decorum, we, and all who know their story, find it hard to look.

Let us return now to the living protagonists of the *Agamemnon*, to their views of justice and to further connections between viewing and justice. Clytemnestra, like Menelaus, has been filled with visions: beacon signs from Troy, her daughter's murder, the children of Thyestes and Troy, dreams of her husband's gashed body at Troy, and that body seen in the flesh. In her private thoughts and in her dreams she has rehearsed her injuries and staged her revenge. She depicts herself as a "watchdog of the house" (607). To see justice done, she must take justice into her own hands. She anticipates Agamemnon's reentry into the house.

what light
is sweeter than this for woman to behold,
to spread the gates before her husband home from war
and saved by a god? (602)

This opening of the gates (*pulas*) to her husband is the first of many such openings in the trilogy, some of which will reveal things too horrible to look upon. As we shall see in Part Two, moving through the gates will become a major theme. But for now, Clytemnestra's sense of justice requires that, not only the distant gods, but she herself and other human observers witness the wrongs Agamemnon has committed. Unlike Menelaus, she insists on a show-down. What exactly does she need to see?

Clytemnestra persuades Agamemnon to walk on tapestries. These cloths are woven, embroidered, dipped in precious dyes. Trampling them means destroying the visible work of the *oikos*, its labor and cooperation, its accumulated wealth that should not be taken for granted even when it is plentiful. The woven tapestries hold the *oikos* together. Birthclothes, bedclothes, and deathclothes are the visible signs of the coherence of a family in time (Jones 1962, 87; Kass 1981; Lebeck 1971, 74–86). The violations of others in this story are

often associated with the disregard of household goods: Paris “trampled on the delicacy of things inviolable” (371–72), and Helen walked lightly away from the soft curtains of her marriage bed. When Agamemnon sacrificed Iphigeneia, her dyed saffron robes fell “to the ground” (239). Now, before the house, Clytemnestra forces Agamemnon to imitate his disregard for the blood of his family through his disregard for the blood-red possessions of their house. Once inside, Agamemnon will be bound by the very bonds he chose to break. Even his temporary reluctance here recapitulates his hesitation at Aulis. She has shown him guilty.

There is another way in which the welcome scene displays Agamemnon’s violations. By making him walk on tapestries, Clytemnestra keeps him from touching the ground he has come home to. His separation from the ground, like his trampling of precious goods, recapitulates the ways he has already violated the earth. The House of Atreus pours blood on the ground—the blood of Thyestes’ children and Iphigeneia, of the innocent Trojan young, and of all the young Argives who died for the Atreids’ quarrel and were buried in the wrong ground (452–55). Agamemnon destroyed Troy and the ground it stood on. There is a special horror about this. The way in which he returns home reflects his violations of home ground. Compare him with the earthy Herald who repeatedly greets the land, the earth in which he now knows he’ll be buried (503–7). In the *Odyssey*, Odysseus kisses dry land after emerging from the sea (V.463); when told he’s set foot on his own home, he rejoices in the land and “he kissed it” (XIII.354). Homer’s Agamemnon, whose sacrifice of Iphigeneia is never mentioned, is an innocent who comes home to be murdered by the evil Aegisthus. Like Odysseus, he “clasped his native land and kissed it” (IV.522). When Aeschylus’ Agamemnon returns home, his deliberate separation from family and *oikos* is represented by his separation from his own earth. He does not kiss the earth, and Clytemnestra does not let him touch it. Not until the second play, in the family burial ground, will he resume his proper relation to the *oikos* and its earth.

Why must Clytemnestra *see* Agamemnon in this way before she murders him in revenge? The “carpet scene,” with its tense arguments and vivid red props, is always said to be the most “dramatic” in the play. It is indeed a staged representation for herself and, in some tentative way, for her spectators in Argos. The theatrical *agōn* that she produces is a test, a trial, not in the full sense that the word comes to have by the end of the trilogy but like it in that it questions and exhibits the man whom she must judge. It re-views symbolically the acts of which he is accused: destroying the household goods and children, and violating the earth. She has, of course, convicted and killed him several times already, imagining his violations in her dreams and in her thoughts. Now, at last, she welcomes him, not to restore him to their unravelled home, but to provide herself with the incriminating evidence that she needs to convict him. Justice (*dikē*) entails showing (*deiknumi*) the accused for what he is

(Huizinga 1955, 80; Chantraine 1968, 1–2:284). After seeing and exhibiting Agamemnon's violations, Clytemnestra herself is prepared to execute justice.

Agamemnon, the chief character in her drama, is deeply disturbed by the confrontation, and is self-conscious about the various spectators—the people and the gods—who watch the conqueror trample his household goods. Although Agamemnon must be aware that he is on trial for his life, and that the carpet scene displays his guilt, he never *acknowledges* that the incident tries and convicts him. To do so would be politically impossible. The charges are not articulated and evidence is not discussed. His defense also must be in code—vague disclaimers about trampling purple tapestries, and whether Priam would do it. He cries out from the bath, from “within” (*esō*) the house (1343) to no one in particular, and dies without publicly defending his innocence or acknowledging his guilt. The presence of a third person, Cassandra, who witnesses the murder and then is executed as further “evidence” in his case makes the privacy of the case even more striking, especially since she is literally a seer.

Cassandra at first looks like one of those Aeschylean extras, included to be seen but not heard. Though she becomes the primary speaker for 300 lines at the moment of greatest suspense in the play, she retains something of this first visual character. She herself is a true visionary whose verbal power lies not in reasoned argument but in picture painting. She comes from a distant kingdom with eyewitness reports of its destruction. But she also sees through the gates of the house to which she's been brought, and knows what is about to happen and why. Crying *idou, idou* ('look') (1125), and *horate* ('see') (1217), Cassandra depicts the ancient and present horrors of the family that dwells within.

But the Chorus wants no prophets. Usually disturbed by their inability to see very much, they now would rather look away. Cassandra insists that they bear her witness (1317) as she bore witness to the earlier horrors she now depicts. As a mere “martyr”—the Greek means “witness”—she, like the Watchman and the Chorus, has little to contribute to the effecting of justice. It is her special curse to have no one understand or believe what she says. Seemingly incoherent, “her eye turned inward,” she speaks in a different meter from the Chorus (Scott 1984, 7). Her dance is solitary, frantic, erratic. She dances up to the gates and is repeatedly repelled, entering only to die, the last evidence of Agamemnon's guilt, the last revealing element in the tableau that Clytemnestra has arranged in the bath. Before Cassandra enters, she speaks of her imminent death, identifying the palace gates with the gates of Hades, and prays that:

the stroke be true,
that with no convulsion, with a rush of blood
in painless death, I may close up these eyes and rest (1291–94).

In her last speech, no longer mantic and wild, she asks that the avengers who strike her murderers avenge as well “one simple slave who died, a small thing,

lightly killed" (1325–26). Earlier she said that Agamemnon and she must die, but not "vengeless by the gods" (1279), for another avenger will return, a "mother-killing scion, and avenger of his father" (1280–81). Although Cassandra includes herself in this anticipated revenge, justice is never done with respect to her. True to her prophesy, Orestes eventually returns as avenger, but only for his father. So far as we know, Cassandra is never mentioned again—by the Chorus, Orestes, gods, or human court. Her own family, annihilated by her new master, has already entered Hades and, in her world, revenge and mourning rites are the responsibility of kin; she will have neither. Among the *oikoi* of Argos, there is no justice for a stateless foreigner. The only character with no social significance (McLeod 1982, 142), she can only claim a "stranger's grace" (*epixenoumai*) (1320). Cassandra dies a witness, not only to the deaths of Thyestes' children, Agamemnon, and the people of Troy, but also to the inadequacies of divine justice in the case of a human girl once touched by a god who turned against her. The Chorus first begged Clytemnestra to "be healer" (*paion*) (98). But Cassandra, made sick by a god called "healer" (146,512), knows that "no healer stands over this story" (1248). She vividly paints her pictures, but like her, they are ephemeral, preserved in the stories of poets and priests, but providing no binding precedents in the affairs of men. Like the Watchman, the Chorus, and Iphigeneia, her body is bound, her speech is impaired. She can only watch, curse, and hope that things will come right in the end.

Alas, poor men, their destiny. When all goes well
 a shadow will overthrow it. If it be unkind
 one stroke of a wet sponge wipes all the picture out;
 and that is far the most unhappy thing of all. (1327–30)

After Cassandra enters the palace, we see the twelve Argive elders—it is likely that the Chorus members speak serially—again excluded from the action, unable to see the crime they know is being committed. Not part of the family or household, their position is fixed outside the gates that restrict their vision. They cannot enter to act at the private hearth, though they know that their future, too, will be determined by what takes place within. Those insiders who "trample to the ground deliberation's honor" (1356–57) may soon subject these connected outsiders to tyranny. "It is clear to see" (*horan paresti*) (1354), yet there are no eyewitnesses, so how can they be certain about what has happened? The king, as we have seen, cries out from within to no one in particular. Even the brief deliberation of the Chorus is fragmented. They wish to "take counsel together" (1347), but the twelve voices do not speak to each other; the action upon which they agree is to take no action. They are paralyzed because they have no recognized access to what has occurred within; "to guess" (*topazein*) is not "to know clearly" (*saph'eidenai*) (1369). A frantic erratic dance should accompany this fragmented consultation. We have yet to see true com-

munal speech or motion in the *Oresteia*. This will come only when a community can arrange to look together.

Violent deeds in most Greek tragedies are reported by eyewitness messengers who make us see what cannot be shown on stage. The deaths of Antigone, Jocasta, and Pentheus, for example, are narrated by outsiders whose personal importance to the action is negligible. But in *Agamemnon*, Clytemnestra, the play's protagonist, the murderer herself, once more appears at the palace gates, attempting to communicate with those who are defined by being outside them. She is shameless as she describes the obscene carnage and exhibits her own bloodied hands. Before we dismiss her as primitive or merely aberrant in her desire for personal revenge, we must try to understand how she understands herself and why she exhibits what she has done.

Just as before she punishes Agamemnon, she must see for herself his violations—or at least, reenactments of them—so she herself must strike him down and see his reaction. The offstage murder and her description emphasize that there are *two* blows, followed by a third. Surely, in the brief moment between those first two blows, the eyes of the “defendant” meet those of his “victim,” “accuser,” “judge,” and “executioner,” to satisfy her, one last time, that she is indeed executing justice. Between Clytemnestra's two blows, Agamemnon must acknowledge, albeit silently, that he is being punished.² And she must *feel* his death and *see* it with her own eyes—the Chorus says she has blood in them. To satisfy her, his punishment must be literally firsthand: “This is Agamemnon, my husband, a corpse, the work of this right hand, a righteous craftsman” (1404–6). She has already described his death:

Thus falling he gasps out his life,
pouring forth a sharp spurt of blood
and hits me with a dark sprinkling of
bloody dew—I rejoicing not less than the sown
corn bursting the bud rejoices in the god-given rain. (1388–92)

This horrifying passage, and the whole preceding report, are in the present tense. Once again Clytemnestra is an eyewitness recreating the scene for herself and for the audience. Why does she represent her satisfaction in this extraordinary image of ritual sacrifice, moist fecundity, and birth?

It is because Agamemnon's violations had, in some way, killed his wife. Her almost superhuman energy in the earlier part of the play has a dry brittleness about it; it is associated with fires and great distances. It is a paralyzed, pent-up energy of strained waiting and watching. Agamemnon has been gone ten years, has killed the “dearest labor” (1417) of her womb, the “young shoot” of their love (1525), and replaced his wife with “every Chryseis at Troy” (1439). She, in turn, has contaminated her womb by taking in an inferior man, an enemy of her husband's house. The adultery destroys Agamemnon as her husband before she destroys his life. Although she has taken up with Aegisthus

and intends to continue this union, Clytemnestra's murder of Agamemnon has little to do with lust for his successor. Nor, as some suggest, does it express her resentment at being denied sexual gratification by Agamemnon's long absence.

Rather, the murder and her staging and restaging of it are about another kind of lust—the lust for revenge—which, denied satisfaction, burns out the survivor, making continued life impossible for her as well as for her dead kin. Only the death of Iphigeneia's murderer can refertilize her mother's womb. In a way, Aegisthus is irrelevant. Killing Agamemnon cannot bring Iphigeneia back from the dead, but it does seem to restore her mother to life.³ Clytemnestra anticipates this rebirth before Agamemnon returns. Her first words in the play are images of wombs and birth, of “reborn” light, and she greets her returning husband in elaborate strained metaphors of refreshment and rebirth: he is the “running spring a parched wayfarer strays upon” (901), and “When the root lives, yet the leaves will come again” (966). Later, describing her revenge, she almost dances with satisfaction.

The imagery of thirst and hunger in connection with revenge is a commonplace. To satisfy, justice must be seen and even “tasted.” Hamlet's cry, “Now could I drink hot blood,” is the cry of all avengers. He too arranges to represent—in a real play—the guilt of the wrongdoer. “The Mousetrap” moves the would-be avenger as much as it “catches” the “conscience of the king” (III, ii). It is his most vigorous attempt to respond to his father's ghost's exhortation, “Remember me.” In the *Iliad* Zeus tells Hera:

If you were to enter the gates and great walls and eat Priam raw and Priam's children and the other Trojans, then you might heal your anger (IV.34–36).

Books later, the mortal Achilles, refusing to eat with his comrades, says that ransom, and even death, would not satisfy his hunger for revenge against Hector:

Would that in any wise wrath and fury might bid me carve your flesh and eat it raw, because of what you have wrought. (XXII.346–47)

Would-be avengers also imagine feeding the corpses of their enemies to dogs and birds. In the revealing old legends, they actually do eat their enemies (*Bacchae*). The Chorus imagines Clytemnestra standing above the corpse of her husband, like a carrion crow (1472–73). She sees herself as the old Avenger of the House of Atreus. The voluptuous satisfaction of her hunger for revenge is retaliation in kind for all their crimes, finally summed up in the horrifying descriptions of the “feast” of Thyestes, in which the avenger makes his victim eat an abominable meal. Like the Fury with whom she also identifies, she is eaten away by the memories of past wrongs. Unlike the diminished Menelaus, who lives on with barren Helen, drugging himself to forget the painful past, Clytemnestra, true to her name (famed memory—*klutos*, *mnēmē*) restores herself by remembering and retaliating. Revenge is sweet as she sprinkles herself with the blood of the man who wronged her.

The showers of blood, water, and rain that revitalize Clytemnestra soon turn into her own horror for, by murdering, she contaminates herself and must herself be punished. By the end of *Agamemnon*, the house is falling, the rain turns bloody (1533), the harvest monstrous, and the reaping time bitter (1655). In *The Libation Bearers* all her libations turn to blood and tears, her milk to blood. But, though it is temporary, the intense sweetness of her revenge suggests that the very violence of the passion behind her act may be connected with the fruitfulness and flowering of human things. It is somehow appropriate to human nature to want to take justice into one's own hands, and to bloody those hands in doing so. Her argument with the Chorus suggests the lawcourt and trial in the third play, but without the "legal framework" and the "independent arbitrator" at work there (Taplin 1977, 328; Podlecki 1966, 68). This scene clearly points to the later one in that it offers a challenge to the city law that will replace the blood revenge depicted here: how can an antiseptic civil justice of clean hands and no more blood on the ground satisfy the survivors as well as the reviving rain of blood in the first play seems to do? Such blood rituals are clearly incompatible with civilized life. Before Clytemnestra bloodies her hands, she must see Agamemnon reenact his crimes. By executing him herself, she also literally sees that he is punished. Perhaps enlightened institutional justice can remember her needs by attending to the importance of seeing for those who have been wounded. Finally, perhaps these wounded can be made fully whole again only when a whole city comes to see in a way not possible in Argos.

Agamemnon deteriorates at the end into unresolved bickering between the Chorus and Aegisthus, who first appears late in the play. Unlike Homer's Aegisthus, Aeschylus' Aegisthus does not do the killing. He claims to have been in on the planning, but Clytemnestra mentions him only as her protector (see Thomson 1968, 247). Although Aegisthus, too, speaks of revenge, the very fact that he does not bloody his own hands makes him seem less serious than Clytemnestra. To the Chorus' feeble curses and vague hopes for Orestes' return, Aegisthus opposes threats of violence. Clytemnestra now speaks "as a woman" for reconciliation, urging all to return to their homes (*pros domous*) (1657), and assuring Aegisthus that he and she have the power to bring good order to their house (*dōmatōn*) (1673). As they enter the palace, the elders retreat, leaving the theatre spectators with a last view of the closed gates and the now empty roof. What has become of the Watchman and his hopes for a great public celebration? The actors go off separately or in fragmented groups; *Agamemnon* does not end with an exit procession (Taplin 1977, 331–32). Argos is not yet a fully constituted community.

The last word of *Agamemnon*, "house" (*dōmatōn*—the text is corrupt), reminds us that the primary experience for the human beings in this play is still family. Repeatedly, the *oikos* is defined as the "house [*oikos, domos*] about the hearth" (427,851,968). Its men depart to fight a distant enemy, also defined primarily as a "father" and his people (537,747). The victorious Achaians send

messages back over vast distances across unpeopled cliffs and streams, rocks and mountains, between places connected, not by roads, but by beacon fires. There are guest friends as well as enemies out there—Odysseus and Strophius are mentioned—but developed international relations are not part of this world. Although they roam far from home, for these men, as well as for their women, *place* is determined by the hearth. The Chorus says that Clytemnestra offers sacrifices to the gods of the city, to those above and those below, and to the gods of the sky and market place (88–90), but she mentions the gods only as they relate to her family. The Herald is overjoyed to return to his native land, but he speaks only briefly of the “gods of the marketplace” (513). The rest of the play gives us little sense of public places in Argos, either of natural places or of those built by humans—of roads, common altars, or buildings—other than the great palace whose facade dominates the stage. When Agamemnon returns from Troy, he speaks of the business of the “city and the gods,” and says he’ll convene a full council of citizens (844–46). But his attention is on his own hall, the “home about the hearth” (*domous ephestios*) (851). He does not go to a temple to make offerings to the common gods but to the fire in his own house (de Coulanges 1956, 27). “The focus is the *focus*” (Jones 1962, 85). First and foremost a household patriarch, this monarch has no obligation to share his deliberations with council or jurors. They may look, but only at his discretion.

The status of any place between nature’s place—mountains, soil, and earth—and the hearth place is vague. Between *theous* in the first line and *dōmatōn* in the last, there is an immense gap. Between the great gods and the family hearth, there is little to look at or to. Distant gods and next of kin watch and act to insure a kind of justice in the world of mortals. But what takes place at the hearth is secret, concealed from the view of mortal strangers (de Coulanges 1956, 37).

Deep in the past, a brother stole his brother’s wife. As punishment, he was forced unknowingly to eat—to reabsorb—his own children. The grotesque story of Atreus and Thyestes is the horrifying image of the turning inward that is characteristic of Argos. Until these mortals move beyond the family, their justice can be, at best, only temporarily satisfying. There must be a more effective passage between inside and outside, between the hearth and the city, between the city and other cities, a passage that would allow for a better view.

PART TWO

THROUGH THE GATES: *THE LIBATION BEARERS*

In *The Libation Bearers*, Aeschylus rehabilitates the *oikos* violator, Agamemnon, now dead and no longer visible to his kin. The restoration occurs in the first part of the play, as the surviving kin become once more visible to each other. This happens with the help of observers who, though they are not

blood relations, are part of the household. Unlike the *observers* in the first play, they are recognized by the family, and they consult freely in the course of the action. The Chorus in the first part of the play, and Pylades later, urge action and are heeded. The drama that bridges kin revenge in Argos and the court trial in Athens widens the vision of all the actors, both insiders and outsiders. Although there is not yet a full city of assembled onlookers, *The Libation Bearers* depicts a significant shift in view.

In *Agamemnon*, most of the king's next of kin are out of sight. Iphigeneia is dead, and the young Orestes has been sent to a guest-friend in Phocis to avoid his witnessing the murder or becoming the visible focus of resistance to Aegisthus and Clytemnestra. In the early stages of the story, Electra is never mentioned; no one even catches a glimpse of her. *The Libation Bearers* opens with the long-absent Orestes trying to make sense of what he sees in the family burial ground. The female Chorus enters furtively, perhaps separately, carrying libations, speaking of their terror and forebodings. At this point they might remind us of the Watchman and Chorus of the *Agamemnon*. Too much blood has stained this ground, and the house is hidden in darkness. Electra, too, fears to look or to be seen.

. . . quiet and dishonored, as my father died
shall I pour out this offering for the ground to drink,
and go, like one who empties garbage out of doors,
and turn my eyes, and throw the vessel far away (96–99).

Before she and her surviving kin can come together to act, they must properly recognize each other. *The Libation Bearers*, like *Agamemnon*, opens with the interpretation of visual symbols. The flares from distant Troy are “proofs” (*tekmēria*,) (Ag.352) across vast unknown places. But the signs interpreted in the Atreid burial ground are local and personal. They are necessary to restore the violated *oikos* and its members. “On trial” for the first time, Orestes shows himself for what he is. Unlike his father in the previous play, Orestes exhibits not his separation from the *oikos* but his attachment to it. As he presents proofs of his identity, he exhorts Electra to look at the exhibits, to recognize visually—the passage (225 ff.) contains a string of vision words—something she remembers from another time. As the Chorus has told her, just before she sees the offerings, memory is essential to family justice. The hair is recognizable because it looks like her own (174–76); it could belong to no other of the townspeople (188). There is a second piece of “evidence” (*tekmērion*) (205): one of the sets of footsteps resembles hers. Again, her natural love and liking belong to what is visibly like. At first Electra and the Chorus think Orestes has sent the hair offering because, as an exile, “He can never again set foot upon this land” (182); they think he is dead to them. But he has returned and his footprints, recognized like his hair, by their *looks*, are signs of the first proper “stepping” in the *Oresteia*. Orestes’ homecoming, unlike his father’s, is charac-

terized by tears and the careful placing of his foot on home ground. Unlike the kicking, trampling missteps of the *Agamemnon*, these steps are the first steps towards reconstituting this household in the eyes of its dead and living members, and in the eyes of the gods. But, as we shall see, the middle play makes it clear that the reconstitution of the household will also require “middle” witnesses—visible and identifiable observers between those who are personally involved, and the farseeing but too-distant gods.

Having offered her visual evidence in the hair and tracks, Orestes exhorts Electra to “look” (*idou*) (231) at a last proof that he is her brother. The small piece of weaving, a bit of swaddling clothes, or baby blanket, identifies him as native to this *oikos*. Like his nurse’s memories later in the play, the cloth reminds us of a time before the fabric of this family was torn apart, Helen’s abandoned bedclothes, Iphigeneia’s dropped mantle, Clytemnestra’s trampled tapestries, and the woven nets in which she killed her man, all recede when Electra examines a scrap of cloth and recognizes the “dearest treasured darling of my father’s house,” a “joyful sight” (*terpnon omma*) who brings back “four lives to me” (235–38). By recognizing each other in the family burial ground, these children of the house, one an exile and the other like an outcast slave, can, for the first time, feel that they are at home.

As we have seen, the gods witness all that men do. Spectators on high, they judge and punish but are not themselves much affected by what they see. Beneath the earth there is another assembly of spectators, ancestral watchers who are also “deities” in some way. The earth they dwell in is local ground, attached to a particular house and family that live on it. Like that of the gods, “The wrath of the [dead] father” also “comes unseen” (*oukh horōmenēn*) (293–94). But as members of the *oikos* extended through time, living on somehow beneath the earth, the deified dead relatives, unlike the detached immortal Olympians, are influenced by what the living do. Libations poured on their graves keep them alive to the living, just as flowers and green plants in our cemeteries keep our dead somehow alive to us. The children sense that their ancestor watches over them and expects—looks forward to—their action: “Earth, let my father emerge to watch me fight” (*epopteusai makhēn*) (489).

Two things are expected of Agamemnon’s surviving kin. Since he was denied proper burial and mourning rites (*Ag.* 1554; *L.B.* 439–44, 982), they must first see to it that these ritual ceremonies are completed. For them to go on living, it is necessary for him to be laid to rest. Second, they must retaliate for his violent death. Like Clytemnestra, until they *see* his murderers punished, they remain unsatisfied, just as they would be if the funeral rites were not completed.

Electra and Orestes come into focus to each other in the presence of living witnesses as well as dead ancestral onlookers. Unlike the male Chorus in *Agamemnon*, the female Chorus of *The Libation Bearers* is part of the Atreid *oikos*. Privy to the internal affairs of this family, they may even enter the orchestra from inside the palace gates. (Taplin argues that a side entry was

more likely.) Unlike the excluded Argive elders, they watch from *within*. They share the hearth and pour libations in the burial ground. It is important that they are outsiders who have been absorbed into the household. Electra invites them as friends to share in counsel, for they now share a “common enemy in the house” (*koinon . . . ekhthos en domois*) (101). Taken from their own fathers’ houses (76–77), now “friendly others” to part of this adopted new house, these slave women from foreign lands—perhaps from Troy—urge action on behalf of a murdered father. Although in the early scene they are oppressed by fear, once their young masters are reunited they express their views clearly, are consulted, and even at one point tell their superiors when to stop speaking (265). Orestes tells them “to be silent” or “speak in the way that will help us” (582), and they are responsible for Aegisthus’ return without bodyguards (770–73). These inside-outside witnesses affirm the principle of the first play, that justice must come from the blood relatives of those who have been injured:

Here in the house there lies
the cure for this, not to be brought
from outside, never from others
but in themselves (471–74).

When the time for action comes, these women are out of view and they do not see those who act. They hear Aegisthus’ cry and ask, “What has been done in the house?” (871). But, unlike the confused and excluded Chorus of *Agamemnon*, this Chorus knows what is happening inside. Likewise, when Orestes is killing Clytemnestra, they know exactly what he is doing and why. They speak clearly and in concert, dancing together. Orestes reappears after only forty lines, as if to report that he has fulfilled their expectations. Although their relief is soon seen to be illusory, the “witnesses” of this “just revenge” are clearly different from Cassandra and the impotent Argive elders.

Another observer accompanies Orestes in his homecoming and revenge. Like Cassandra, Pylades stands silently on stage through most of the play. But, unlike her long mantic speech and ineffectual visions, Pylades’ one brief line and his presence as a discerning observer are crucial to the story of the Atreids. They too signal a move from the dark confines of house and kin to the clearer light of streets and cities. Ever since Agamemnon yielded to persuasion in the form of a woman and entered the palace gates, there has been no masculine presence on stage; we have been occupied with the powerless Argive Chorus, the effeminate Aegisthus, and with Electra, Clytemnestra, Cilissa, and the Chorus of slave women. The return of two vigorous young men to Argos signals a shift to the world of men, always less attached to the *oikos* and—even more important—a shift to a tie beyond the *oikos*. Although Orestes has returned as the son of the House of Atreus, his long, but not permanent, exile no doubt has widened his point of view (Kuhns 1962, 27, 31, 50; Rosenmayer 1982, 297–98). With Pylades, Orestes too can be both insider and outsider.

Pylades is the son of Strophius of Phocis, the guest-friend to whom Clytem-

nestra exiled Orestes. He is from outside the Atreid family; the footprints he leaves in the burial ground are clearly different (208). He has accompanied Orestes as a friend whose ties are by choice, not by nature. He comes as another self who is truly other. From Pylades' first appearance, the presence of this stranger is jarring; outsiders are usually excluded from the family burial ground (de Coulanges 1956, 34–35). For 900 lines, Pylades stands silent in this private place, but he is fully visible. At the crucial moment, he urges distance from internal ties. He speaks in the name of a sworn oath and the oracle of Apollo at Pytho, a cosmopolitan, not local or family, shrine. Pylades' brief speech is clear. It is a question that requires thought and an answer. His persuasion is not the murky Peitho that moved Agamemnon at Aulis or before the palace, but a rational reminder of the way in which words hold a man to sworn promises. We are beginning to move from the ambiguous language of songs, supplications, wishes, and curses to a more public discourse. And Pylades stands still. Although he too speaks for kin revenge, unlike the Chorus, he is no dancer. Pylades reminds Orestes of the absolute justice of family revenge, but the verbal exchange points toward political and judicial speech in the third play. The legal language in which Orestes responds to Pylades also points to the impending trial.

Aeschylus plays on the name of Pylades as he plays with the names of Zeus (*Ag.* 160–66), Helen (*Ag.* 688–89), Apollo (*Ag.* 1080–82), and Pallas Athena (*Eum.* 753–54) (Lebeck 1971, 23, 47–48, 159). When Electra and the women are sent into the house, the men remain outside. Orestes, who earlier proved himself an insider by his looks and words, now temporarily distances himself. Disguised as an outlander with a foreign accent, he will “go to the outer gates with Pylades” (*eph 'herkeious pulas Puladēi*) (561–62). The following lines (565–71) emphasize the anticipated crossing of the threshold. The next time we see them, they are knocking at the gates (*pulai*) and are admitted by Clytemnestra. Shortly after, Orestes and Pylades finally penetrate the innermost gates of the house in which Orestes will kill his mother.

In *Agamemnon*, the feeble Chorus stands outside the palace gates with no sure knowledge or part to play as murderous justice takes place within. Cassandra witnesses these murders before they occur, but she speaks only of the gates of Hades (*Ag.* 1291). In *Agamemnon*, Clytemnestra keeps appearing at the gates to justify what she's done within, but no true communication with those outside is possible. In *The Libation Bearers*, the Chorus stands outside the house, but they have been within and they help prepare for the action that occurs within. Pylades, first referred to as a “fellow wayfarer” (*sunemporou*) (208), is an outside witness who enters within the gates and finally accompanies Orestes within the house. The justice he witnesses is the ancient justice of kin revenge, but his overseeing of the act previews the way in which an entire city of outsiders will some day penetrate the walls of private households. They will see that justice is done without requiring another relative to stain his

hands. *The Libation Bearers*, positioned between the *oikos* of Agamemnon and the city of *The Eumenides*, is the threshold we cross as we move toward making justice visible.⁴

As we have seen, Agamemnon goes to his death without explicitly acknowledging that he is being tried and punished. In *The Libation Bearers*, the victim is also trapped; this case, too, is closed from the beginning. But there is an important difference. As Clytemnestra faces her death, she acknowledges what is happening and explicitly makes a case for herself. The accusation is clear, and she and her accuser argue over the facts and motives. Thus, although this is still summary and private justice, it differs radically from her own symbolic exhibition of her victim's guilt and her retaliation, and from those of Thyestes and Atreus as well. The articulated confrontation with the accused is the first step into the light from dark revenge and feud justice to public trial. The accused, with her eyes wide open, is now a self-conscious observer, as well as participant, in her own trial and punishment.

As Orestes and Pylades take Clytemnestra to her death within the palace, the women outside express their sorrow for her but reiterate their support for Orestes. The deed must be done "so that the eye of the house [*ophthalmon oikōn*] shall not utterly die" (934). They have looked to him, the most precious part of the family, as the leader who will guide and look out for them. Now, naively, they look forward to the "end" of "this chain of bloodlettings" (933) to the "light that is here to behold [*idein*]" (961).

Orestes, as concerned to justify his deed as his mother was to justify hers, steps from within the palace and exhorts the spectators to "behold" (*idesthe*) (973) and "behold again" (*idesthe d' aute*) (980). Not only his own father, but father Helios, "the one overseeing all things" (*ho pant' epipteuōn*) (985), may be his "witness" (*martus*) in his day of "justice" (*dikēi*) that he "justly" (*en-dikōs*) killed his mother (987–88):

Did she do it or did she not? My witness [*marturei*] is
 this great robe. It was thus she stained Aegisthus' sword.
 Dip it and dip it again, the smear of blood conspires
 with time to spoil the beauty of this precious thing (1010–13).

By reenacting and rehearsing her crime in his own eyes and in those of the people he addresses, Orestes displays her with her murder instrument and with her accomplice, and finds her guilty. Once again, to bring to justice (*dikē*) means to show (*deiknumi*), to re-present the acts of which the guilty is accused. After striking her down, he feels that he has completed the return to life that began in the cemetery at the play's opening.

But Orestes knows, almost immediately, that he cannot stay at home and resume an ordinary life after avenging his father's death. Unlike Clytemnestra, he knows that the retributions he insists on cannot revivify him or release him from the recurring Atreid curse. The inversions of Argos, previously expressed

in Thyestes' eating his own children, are here represented in Clytemnestra's dream of the nursing snake that devours its own mother. Orestes' satisfaction is short lived. Although he claims that "all men of Argos in time to come" will "witness" (*marturein*) the evils he has righted (1040–41), at this time Argos is not yet properly constituted as a *city* of witnesses. Pylades is a foreigner, ineffectual against family Furies, and he departs without speaking again. The Chorus are still female, foreign, house servants. Although they have suggested the outside, they are not yet an effective *city*. Unlike the old men at the end of *Agamemnon*, they have the last word. But they are still only standby witnesses, and the second play ends with a question. Here, too, there cannot yet be a proper exit procession. They should not be increased to a crowd for operatic stage effects at the end of the play (Taplin 1977, 357–58). The Chorus can see the evidence that Orestes shows them but, like Pylades, they cannot see the hideous Furies who appear to him as the immediate consequence of his deed. Nor does Aeschylus allow the spectators in the theatre to see them yet. On these dread "bloodhounds of his mother's hate" (1054) he must look alone. Justice is still in the hands of private "watchdogs." Like Clytemnestra, they have blood in their eyes (1058). Their looks and the looking that supercedes their looking are the subjects of the third part of the trilogy.

PART THREE

FROM FURIES TO JURIES: *THE EUMENIDES*

The Eumenides identifies the founding of a public court with the foundation of the city. To avoid repeatedly bloodying the hands of the next just avenger, the community arranges to look together with those who have been personally wronged, and to see to it that the alleged violator will be impersonally acquitted or punished. As mortals begin to look for justice not only to the gods and to their own kin, but to themselves as part of a wider community of mortals, the polis becomes a visible locus of action, peopled by public agents as well as private ones. Gods, city, citizens, and outsiders—all look very different by the end of the trilogy.

We first "see" the Furies through the eyes of the Pythian priestess. She runs from the temple in horror at "things terrible to speak and terrible for the eyes to see" (*hē deina lexai, deina d'ophthalmois drakein*) (34). Apollo soon declares of the Furies that the "whole way of their shape is guide" (*pas d'uphēgeitai tropos morphēs*) (192–93) to what they are. Before this, the Furies have been seen only by those they pursue: by Clytemnestra, as snakes in her guilty dream visions, and by Orestes after he murders her. The first major step in *The Eumenides* is the one the Furies take when they emerge from the temple and cross the threshold into open daylight. At Delphi and at Athens, Aeschylus makes them visible to all the stage characters and, for the first time, to the spectators in his audience. Let us look upon their shape and see what it reveals.

The looks of these Furies are the key to how they look at things. Daughters of the Earth and Night, they are nether-divinities, wingless, serpentine, essentially attached to place. Their peculiar place is dark Tartarus below the earth. In their ministrings to mortals they are guardians of human beings as beings defined by the hearthplace. Especially concerned with violations against parents, old age, and suppliants, they preserve the sanctity of kin and blood relations, relations among those who live, cook, and worship around the same hearth. They also guard the arrangements humans have made for providing for nonblood neighbors and guest-friends from distant places, but always as they relate to the *oikos*. Low to the ground, they care for the ground—as foundation, private altar, and burial place for the *oikos*. No matter how far a violator flees from the place he has violated, the Furies pursue him and keep him in place. Their song is a “binding song”; their victim is forever bound to his origins.

Although the Furies are vigilantes, their pursuit is more visceral than visual. They work in the dark, away from Helios (386,396). Their eyes are gummy, ever sleepy, not the locus of their primary sense. Like bloodhounds with noses to the ground, they smell their evidence. It is not the *looks* of Orestes' footprints that attract their attention. They grind their victims into the ground onto which they drip poison (780–87). Like Clytemnestra, they are hungry for revenge; they feed on their victims (304–5). They are “rememberers” (*mnēmones*) (383), “witnesses” (*martures*) (318), who bring infertility and cancer to the seeing and the blind (322). But, though they have a long memory, they are shortsighted (Winnington-Ingram 1933, 100). They strike indiscriminately, often failing to distinguish an offender from those connected to him. Thus, each act of justice is simultaneously a new violation. Furies punish descendants for the sins of their fathers, and strike down a whole people for the crime of their prince. According to Furies-justice, Thyestes' children, the sons of Atreus, and the children of Troy must pay the price of their attachments.

Attached not only to place, the Furies are also attached to each other. Although later tradition represents them as three named—articulated—individuals, here they are characterized as a “company” or “troop” (*lokhos*) (46), bearing only a collective name. The Priestess has difficulty describing their looks. They seem to be women—or not women. Although in “shape” they resemble Gorgons or, perhaps, Harpies, they are neither; the essence of their “shape” is shapelessness. She first sees them as a single mass of intertwined snaky bodies. They describe themselves as “linked” to each other (307). A 1986 production at the University of Chicago's Court Theatre emphasized their attachment by bagging them into a physical heap.

Like all Choruses, this one must dance. But, unlike the old men or the slave women in the first two plays, the Furies are characteristically dancers. As guardians of place, these closely linked dancers who always retain their own close physical relation to the ground, aim to bring their victims down. One look

at them reduces even the erect priestess of Apollo to all fours (37). The Furies are sniffers, slitherers and, in their great choruses, swoopers, and stampers who move horizontally to the earth as well as upright against and away from it. Their feet are “vindictive” (372); they “trample” (338) and step over those who have trampled or overstepped. That an instinctive desire for revenge should be expressed as dancing is not so strange. This is a gut response; those who have been deeply violated would dance on the graves of their enemies. As we have seen, Clytemnestra comes alive with the deaths of her husband and Cassandra. Her movements might approach dance steps to accompany the jubilation she feels.

As their motion is dance, so the Furies’ speech is song—collective rhythmic chant. Their sung “arguments” are characteristic of those with tunnel vision. Single-mindedly they insist on the mere fact of a polluting violation; they have no interest in circumstances, intentions, or subsequent repentance. Their first utterance, a string of repeated words—“get him, get him, get him, get him” (130)—is the first sample of the repetitions of stanzas and even entire speeches that we shall hear later in the play. Although they make an argument, their speech is not primarily a medium for articulation, exchange, and free exploration. Cassandra characterizes them as a “chorus that sounds together” (*choros xumphthongos*) (Ag., 1186). Their “music” is “not of the lyre” (*aphormiktos*) (333); it cannot accompany speech. The Furies ask only rhetorical questions. They don’t exchange differing views about those they pursue, and they don’t make decisions by counting votes. Their most impressive utterance is the “binding song,” and they themselves are called “curses” (417). From time immemorial there has been no arguing with Furies. But, after emerging into the light at Delphi, they are led to Athens where, by agreeing to participate in a trial—an inquiry—they are certain to be superceded by a new kind of justice, one that will replace dancing and chanting with looking and talking.

The most striking thing about the looks of the Furies is that, though they are not human in form (412), or unequivocally women (48), they are somehow female. Daughters of Mother Night (321), they have no father. Their gender suggests that the desire for hands-on, immediate, private justice may be more characteristic of women than of men. For all her assertiveness and “male strength of heart,” Clytemnestra acts as a woman. Women are characterized by attachment—to place, earth, and growing things; to the kin blood they have carried within and nourished without; to the men they marry; and to the hearth altars and burial grounds they tend. Their lives are, by nature, inside, dark, and silent, far more dominated by bodies, place, and time than are the lives of men. The female Furies are guardians above all of those with the “same blood” (*homaimos*) (605). If they have to choose among blood relations, as in this case, mother and child take precedence, for mother and child may be thought literally to have shared blood.

The Olympian pantheon contains male and female gods. In the earlier plays

we have heard much about them. In *The Eumenides*, for the first time, they appear on stage. Apollo and Athena, like the Furies, have *looks*. Apollo's young, upright, shapely body, however, points away from body, away from the past, memory, and attachment to home, family, and place. The play in which he appears begins on the road at Delphi. Apollo and his shrine are not autochthonous to this place. He has succeeded the older female divinities—Earth, Themis, and Phoebe—with the help of a relatively new male god, Zeus, who is now presented as the completion and reconciliation of the conflicting deities in the earlier plays. The appropriation and transformation of place would be unthinkable for the fixed palace, altars, and hearthplaces of Argos. The Pythia's speech points to the resolution of the whole trilogy (Lebeck 1971, 36). Unlike the exclusive private places we have seen thus far, the shrine has a neutral detached feel about it. An international place, it is located at a crossroads traveled by all the Hellenes who worship there; anyone may come to look.

Apollo, the anthropomorphic and emphatically male “prophet of his father, Zeus” (19), is associated with light as opposed to dark, with distanced vision as opposed to attachment and touch, with “speaking out” (*exaudōmenos*) (*L.B.*, 272) and music of the lyre as opposed to stamping feet and binding songs. Apollo is singular, distinct, individual—and he is no dancer. The principles he will articulate point to a justice of autonomous individuals, separable from their pasts, home grounds, houses, and families. But Orestes cannot be saved at Delphi. The male, public, enlightened detachment suggested by Apollo's looks is inadequate by itself. As we shall see, Apollonian liberation brings its own characteristic dangers, and Aeschylus is fully aware of them. But “Apollo of the ways” is the right god to put Orestes on the road. The next step in the emergence from the age-old cycle of kin revenge and Furies justice must be the step he takes to Athens. This last detachment from the burdens of his Argos past will make it possible for him eventually to return to Argos as his proper place. But, by then, the meaning of place, for him and for the Athenian audience that watches these plays, will have been transformed.

Athens is clearly different from Argos. The Athenians are mentioned for the first time in the Prologue to *The Eumenides* as builders of roads and cultivators of wild land (13–14). Unlike those who are born and die in the inherited Argive *oikos*, Athenians are self-conscious placemakers. The community of families at Athens looks outward, focusing on a high public place, the Acropolis, over the citadel. Temples, public buildings, and roads rather than hearth, palace, and cemetery are their primary places. Their stories focus on their shared goddess; the hearth of her house (669) is open to all. Aegeus and Theseus are mentioned as unproblematic founders of a *city*, as opposed to a family dynasty. There are no references to remembered legends of incest, child eating, or perverted hospitality in their distant past. The ancient monarchy seems to have given way peacefully to a democracy that invites full citizens to cross the threshold to public life.

As the city becomes the dominant visible place in the eyes of its citizens, it develops a permanent special place in which public judgments are enacted. Accused violators are no longer to be judged and punished in the place deemed appropriate by distant gods or next of kin. Clytemnestra's and Orestes' privately staged trials are not appropriate when the whole city must view the case. The place of justice is set off from family dwellings—no one is born, lives, dies, or is buried there—and it is, at last, in full view. It is often said that the court is open, unroofed, to avoid polluting any closed building by the presence of a murderer. But the shared, public, on-view nature of the Areopagus is at least as important. We see the same concern for a visible place of justice in the description of the primitive court on Achilles' shield in the *Iliad* (XVIII.504). It is set off in the "sacred circle." The location of the new public court also points to the shift in gender suggested above. The Areopagus is the hill on which male Athenians defeated the female Amazons who once challenged Theseus' city (685) and were defeated. The justice of the new court will be primarily male justice.

The trial of the accused takes place in an articulated time as well as an articulated place. A herald announces the start of the proceedings and a trumpet marks the beginning of the presentation of evidence. No longer can the accused be surprised by his accusers. As a result, the investigation will take time; court justice is less immediate, less swift, than Furies justice. Although institutional justice remembers the past and acts for the future, it aims to isolate a violation in time, to frame it. In *Agamemnon*, past and future events merge, prophecies and curses are unspecific about time, and causation is unclear (Lebeck 1971, 36; see also deRomilly 1968, ch 3). In *The Eumenides*, the old private vendettas, which seem to have no beginning and can never come to an end, give way to the public trial, which limits the control of the past over the future. But the participants must be assured that institutional justice is permanent and has the authority that the fixed and age-old hearth had, although the citizens know that the Areopagus has a beginning and is not, like private hearths, eternal, Athena repeatedly asserts that the court that concludes past conflicts will retain its authority "for the rest of time" (572).

Like the private "trials" of the first two plays, the public one requires a visible reconstruction of the alleged violation. Clytemnestra compels Agamemnon to exhibit himself in a symbolic imitation of his violations, and her son sets her up in the same way. As we have seen, these reenactments spur the injured reviewer to execute justice—immediately, and with his own hands. Although public trials remove the staging and execution from the hands of the injured parties, like the earlier "dramatic" imitations, they too re-present the acts of the past. Just as every drama can be considered a detective story—*Oedipus* is the paradigm here—so every trial can be seen as a play, a drama in which the dialogue consists entirely of questions and answers. Orestes' trial opens with a request for "witnesses" (*marturia*) and "evidence" (*tekmēria*) (485). Athena's

invitation to the prosecuting Furies to open the case uses the technical legal language that itself echoes the language of the theatre. They are to be the "producers of the act" (*pragmatos didaskalos*) (584).

Opening statements, as judges and lawyers sometimes instruct modern juries, are like plot summaries or playbill notes in theatre programs. They are meant to orient the audience before the story is reenacted in the production itself. Prosecutors and advocates, like the Furies and Apollo, are partly narrators, partly new actors in the spectacle. They bear witness (485,594,609) and link the testimonies of the original actors and witnesses who review and reenact what they saw, heard, said, and did, often with original or simulated "props" and "costumes." But the locks of hair, fragments of cloth, footprints, and woven nets presented at public trials are evidence, not for private recognitions and responses, as in the Atreid graveyard, but for public examination and judgment. Injured parties now bear witness as an alternative to, rather than as a spur to, personal retaliation. In civilized societies, "bearing witness at a public trial becomes a socially sanctioned form of revenge" (Jacoby 1983, 354–58). By restaging the events in question in a public arena, these witnesses formally share what they have seen with several new kinds of spectators.

All-seeing but invisible Zeus, with his scales of justice, is no longer the main witness in this new form of narrated drama. Just as he was behind all acts of Furies justice in the first two plays, he still backs up and confirms the Athenian proceedings. But Zeus is not the most prominent overseer to whom Athens now looks. Rather, under the supervision of the manifest, bright-eyed goddess Athena, a collective body of mortals witnesses the action and weighs the evidence. Juries look together with those who have been wronged but, unlike Furies, they do not entirely share their point of view. These new witnesses are thus less shortsighted than both the original ones and the Furies who later claim to bear witness. Through the jury, justice becomes, at the same time, both blind and farsighted. Athena says the Athenian juror-judges are the "best" of her citizens (487). But in the play, they are not from any particular class, and there is no indication that they are experts in law or anything else. Rather, they represent the city as a whole, as well-informed citizens who directly participate in the administration of justice. They are not set off from the general population by special dress; their looks affirm their representative status. They have known each other before the trial and, after it, will continue to face each other and their fellow citizens as well as those whose case they now witness. They are drawn by lot from different families of the polis (Kuhns 1962, 66). Unlike the excluded onlookers and impotent martyr-witnesses of the Argos plays, these Athenian witnesses are not passive spectators; they are charged to *witness* and to *act*. Their view of the reconstructed past will determine the futures of their fellows. Their witnessing will affect their own futures as well, because their jury duty is part of their own political training, a kind of public schooling that teaches them to judge their neighbors as they themselves

may someday be judged. (For comments on American juries and civic education, see Tocqueville 1966, I:ch. XVI). Jury duty shifts their attention from their private attachments to public concerns. Jurors are neighbors in the fullest sense of the English word; “near,” “nigh,” and “neigh-bor” may be derived from the same roots as “eye.” Being a juror means being on view to those who live nearby, and sharing the common business, places—and views—of a city (See Harrison [1968–71] and Garner [1987] for descriptions of the actual workings of courts and juries at the time Aeschylus lived.)

By recapitulating the alleged crime in a public place for public witnesses in a public trial, the city passes through the private *oikos* gates to rule about what takes place within. Nonblood now judges and may punish, because all blood is viewed as having been violated. The defiling and rending of household “fabrics” is no longer a private matter. The whole community has been rent and its fabric must be examined and rewoven. The trial serves as a ritual act to rid the whole community of pollution. Like revenge, it is a ceremonial expiation or cleansing and a restoration of balance. The sense of communal purification involved in a trial interestingly echoes the origins of the theatre. In the beginning, it is conjectured, all members of the community actively prosecuted and expelled a symbolic “scapegoat.” At some point, some, and finally most, of these active participants became *watchers* of the “action,” affirming it as ceremonial witnesses. By the end of the *Oresteia*, justice no longer requires an “eye of the house” or “watchdog” Furies because, in this tribunal, the whole city is now charged by Athena to be a “sentry on the land” (706) and to become effectively vigilant. Every Orestes now has a collective Pylades whose official function is to accompany its fellow citizens through the gates. No longer reliant on the murky evidence of seers and prophets, the public viewing aims to be clear.

With the advent of public institutional justice, speech and motion—as well as vision—are clarified. Unlike the repeated stalled speeches of the Furies, the discussion of the litigants in court is a dialogue in motion. Although the jurors constitute a kind of “collective mind” for the community, they vote individually. The ordered stepping of the twelve Athenian jurors as they cast their votes provides a striking contrast with the confused speeches and frantic motion of the twelve Argive Elders as they try to imagine what is happening behind the Atreid gates, and with the stamping repetitions of the bent-over Furies. In Athena’s new court, “all must stand upright” (708). It is sometimes said that the dense, ambiguous, proleptic language in *Agamemnon* is a sign of a rich, but overexcited, undisciplined imagination, as well as of the badly preserved text. But the increasing clarity of diction in the concluding play makes it clear that Aeschylus could write clearly and simply when he wanted to (Rosenmayer 1982, 104). The emergence of fully public speech in the Athenian trial of Orestes is *meant* to contrast with the silences, curses, and murky claims of kin justice at Argos. Similarly, the great final procession, in which an entire city

walks together to its public hearth, is *meant* to contrast with the bound paralysis, frantic motion, and vengeful dancing of the first two plays.

The momentous shift in the relationship between family and nonfamily that occurs as public institutional justice replaces family justice, is accompanied by a change in the relationship between the citizens of one city and those of other cities. Societies with increased mobility and contact with strangers can no longer depend on family watchdogs to insure justice. In Athens, public courts are entrusted with the vigilance formerly maintained by permanent families attached to one place. The essence of the hearth (*hestia*), which defines a family, is its fixity (as in *histēmi*, from 'stay,' 'stand') (de Coulanges 1956, 61). As we have seen in the first two plays, "foreign" relations consist, on the one hand, of the terrible war with the distant walled city of Troy and, on the other, of personal guest-friendships like those of Agamemnon with Strophius and Odysseus. There is nothing in between. In *Agamemnon* and *The Libation Bearers*, the word *xenos* sounds repeatedly. A world of guest-friendships is overseen by Zeus, *xenios*, the guest god (Ag. 61, 362, 748), and *xunestiou*, the hearth god (Ag. 704). The violations of this world—Thyestes' feast, the adultery of Paris and Helen, Cassandra's murder, Orestes' murder of his mother and hosts—are all perversions of the intertwined principles of family and hospitality.

The Eumenides shifts the focus from hearth and *oikos* to city and more fully developed international relations. Orestes' trial results in a treaty, not between heads of families, but between the *cities* of Argos and Athens. Many political discussions of the play explore the meaning of the alliance in Athenian politics at the time Aeschylus wrote (Podlecki 1966, 81 ff.; Dover 1957; Stoessl 1952; McLeod 1982; Euben 1982). But its deeper interest lies in the fact that it develops coevally with public institutional justice within the city. Both developments involve a new attitude to what is originally foreign, unfamiliar. As the gates of family households open to the community around them, so the gates of the city now open to admit outsiders. *Xenios* is heard infrequently in the last play and is not used at all in the last three hundred lines. The jurors and Orestes are referred to as "friend" or "strangers" in a general way. Although the Furies continue to insist on the protection of god, guest, and parents, Zeus is no longer referred to as *Zeus xenios*, but as *Zeus agoraios* (973). The new epithet means "of the marketplace or assembly," and is also associated with courts and forensic activity. Cosmopolitan Athens, always open to suppliants and foreigners, takes within itself its first official resident aliens, the transformed and kindly Eumenides. In the first two plays, Aeschylus uses the word *metic* anachronistically and metaphorically in connection with *xenos*. In *Agamemnon*, for example, the Atreids, compared to metics (*metoikon*) in the sky (Ag., 57), are protected by *Zeus xenios*. In *The Libation Bearers*, Orestes is *metoikon* in Phocis, but "all foreigner [*xenon*] forever" to his native Argos (L.B., 683–84). In *Eumenides*, this foreigner is rehabilitated by his host city and then sent

home. At the same time, Athena invites the defeated Furies to “live with me” (*xunoikētōr emoi*) (833) to “share our country” (*khōras metaskhein*) (869) and, having persuaded them to do so, calls them *metoikoi* (1011). In their own last speech, the Furies refer to their status as a *metoikia* (‘guestship’) (1017). The play ends by affirming that there will be peace forever between the people of Pallas and their metics (1045). In the concluding procession of the trilogy, the Furies, their looks utterly transformed, march in crimson robes (Thomson 1968, 275). In the theatre of Dionysus, these robes would be recognized as the official costume of real-life metics in Athens. Although they form a recognizable “class,” transplanted aliens differ from native families or tribes in that they can never be more than a conventionally defined group. They do not come from demes, neighborhoods associated with exclusive tribes, but from other cities. Although Athens eventually formulates special tax, mercantile, and even trial procedures for their “kind,” they are originally unconnected individuals, “relatives” only by law. The last play suggests that, in a community where justice has been transferred from kin to city, outsiders can at last “be at home with” (*met-oikeō*) insiders; even foreigners can have a proper place.

But in Aeschylus’ theatrical Athens, as well as in his own city, the continued distinction between native citizens and metics indicates a conviction that the distinction between one’s own and others should not be utterly obscured. Although Athena’s city has no walls and her gates are open to all, the aliens who cross her threshold and dwell within are never completely assimilated (See Flaumenhaft 1984 for a discussion of the festival arrangements). Athena’s settlement with her first metics, the Furies, suggests that full enlightenment and total familiarity with what is alien is not her goal. The progressive thrust of the trilogy is more complicated than it might at first seem. Courteous to everyone in her court, Athena facilitates the victory of male Apollo over female Furies and then turns her, and our, attention back to them. Enlightened and masculine though she may be, she is female enough to recognize that the power of the rational, visible new court must be supported by another power, the establishment of which she proclaims with as much solemnity as she proclaimed the founding of the Areopagus. The effectiveness of this other power is a function of its being less rational, less visible, less open to the gaze of mortals than is the open court on the hillside. In their new abode, the transformed Furies will still be underground. Sitting on their deep thrones, they will remain guardians of the deep-seated passions depicted in the earlier plays. Like judges today, Athena exhorts her citizen-jurors to judge with their minds. But she recognizes the Furies’ argument that the “hearts” of the citizens also matter: “Terror is good” (*to deinon eu*) as a control to keep watch (*episkopon*) on the heart (517–18). Thus, after the somewhat tinny arguments of Apollo, we hear once again the ringing language of the Furies and Clytemnestra. Even in the enlightened city, the Eumenides retain power over the households, marriages, and generation of human beings (903ff.). They will continue as watchers, supervisors,

sentries, now for the whole city rather than for separate families. Citizens will retain solemn awe for and bring sacrifices to the new public hearth which, like the private hearths of old, will be “for all time” (Kuhns 1962, 87–88). Even as she reshapes them into a recognizable civic institution, Athena, like the shapeless Furies earlier in the play, attempts to articulate the importance of shapeless fear and inarticulate wonder as guards against anarchy, tyranny, civil war, and the sickness and blight that accompany them.

So Athena insists on the continued power of the now-resident Eumenides. But there remain questions about the possibility of maintaining this power. Although the vote is close, we surely celebrate the acquittal of the confessed mother-murderer. The dark fears of the first play have given way to steady torchlight. The blood-soaked earth of Argos recedes into the past as we gaze upon a paved city surrounded by fruitful earth. Man-hearted woman and ineffectual men are superceded by “maidens, wives, elder women in processional” (1027), and manly citizens. And the short-lived *ololugmoi* of the tormented Atreid household are replaced by the communal *ololugmos* of a rejoicing city (1047). At the end of the trilogy, Aeschylus' Athenian audience may have processed out of the theatre with the stage Athenians—now, at last, a great crowd—to look back together on their own progressive history. But thoughtful members of that audience—and today's—might sense that, with the triumph of Athens and the successful incorporation of the Furies into a city that makes even foreigners familiar, something has gone out of the world. Despite the colorful procession, the clarified political language of the last play seems flat, less vibrant, less powerful than that at the start of the trilogy (Euben 1982, 31; Lebeck 1971, 135–36). After Orestes departs, the only humans on stage are a crowd of anonymous Athenians (Lattimore 1953, 31). Compared with Clytemnestra, Agamemnon, even Aegisthus, these people must feel smaller.

Even the gods seem somehow diminished at the end of the trilogy. This may seem odd, given the development they have apparently undergone. The conflicting, unpredictable, vengeful, invisible, and distant forces of *Agamemnon* are now integrated, articulated, gathered together, at last, a pantheon. Athena and Apollo walk among mortals; their looks are guides to those who look to them. But as civic gods, Athena and Apollo, and even Zeus who meets with Moira to sanction the new settlement, have a different feel from “Zeus whatever he may be” (*Ag.* 160), the awesome, almost ineffable “bestower of power and beauty” (*Ag.* 356). Apollo's departure, after the ringing farewell to Orestes, goes unremarked (Winnington-Ingram 1983, 147), and Athena leaves in procession among the crowd of anonymous Athenians.

Despite their honored status, the divine Furies *have*, in some sense, been put to rest. We feel this as they move off at the end: *khairete* means ‘farewell’ in several senses. These once-vengeful dancers and stampers have been taught to walk in procession; once in place, they will sit still on their thrones. In becoming part of the city's foundation, they have also been buried. In the triumph of

the cosmopolitan city, being out of sight may dilute rather than enhance their power. Might the new enlightened ways and institutions so successfully take root that the Furies might cease to stir in the earth? The very progression toward rational liberated human life, with its ever-widening horizons, may mean, at the same time, the dissipation and even eradication of the very passions and needs that characterize human beings. I mean attachment to private family and place, the sense of self that develops in opposition to others as foreigners, and the insistence on some form of revenge as the only truly satisfying recompense for the violation of this self and what it considers its own.

Apollo's argument for paternal priority is necessary to establish the beginnings of civilized, public justice; insofar as it is detached, it emphasizes masculinity. The notion that the father is the true parent, and the mother only a "stranger" (*xenos*) to his seed, points to "estrangement" as well as to extended brotherhood, as essential features of enlightened modernity. (For words used for parents and children in *The Libation Bearers*, see Lebeck 1971, 114–30). The attenuation of the dark blood attachments depicted in *Agamemnon* and *The Libation Bearers* is evident in the way we ourselves now live. For the most part, we bear babies in public institutions outside the home and swaddle them in clothes made by anonymous strangers. We adopt homeless children who do not share our looks; we give them our names and love them truly as our own. We move repeatedly and reestablish our hearths where jobs are interesting and schools good. And we have rational legal procedures for reconstituting these hearths and the families around them when they are no longer satisfying. We count "naturalized" foreigners among our citizens. We deal with criminals in a rational, nonviolent way, and keep our own hands clean in the process. We have achieved technological feats undreamed of by the most enlightened Athenians and, for the most part, we attribute our successes—and our failures—to ourselves. And when our much-extended lives are over, we rarely bury our dead with each other or in places attached to our own. These changes have made possible enormous advances in human life. We owe our health, prosperity, peace, and civility to them, and few of us would choose to live differently. But, as we have suggested, the triumph may be a qualified one.

Apollo's detachment of mother from child, and the vote of Athena, the male-supporting goddess, never "fostered in the dark of the womb" (665) but born from the head of Zeus, point to the losses and dangers implicit in the move towards enlightenment depicted in the *Oresteia*. Perhaps the dancing, hysterical prophetess Cassandra, torn from her family and wailing the deaths of Trojan and Atreid children, refused to bear Apollo's child because she sensed something about the implications of his strange combination of overwhelming power and distanced rationality. Could Cassandra, in some dark, unarticulated way, have foreseen the tendencies that issue in two twentieth-century trials, one real and one fictional, but each a paradigm for the dilemmas of modern justice?

Apollo's argument about the paternal parent and the mother as stranger to

the child in her womb points far beyond the trial of Clytemnestra's son to the contemporary trial that concerned the child called "Baby M." The trial took place in New Jersey in 1987. A "surrogate mother" conceived a child and carried it to term in accordance with a contract she had made with the man who "contributed sperm." After the birth of the baby, she refused to honor the contract, accept her fee, and give up the child to the "father" and his wife, who intended to become the "adoptive mother." The jury had to decide who would receive custody of the baby. The case raised questions about which parent is "most a parent," about whether blood ties matter more than quality of rearing, and a host of other questions familiar to us from the *Oresteia*. Every detail of "Baby M's" life and that of the adults who "generated" her was exposed to public view. Even her conception, an enlightened, businesslike event, did not take place in the dark. Healthy and well-provided for, yet detached from the mother who bore her, not yet sure of her name or of the household to which she belonged, she was the subject of a rational lawsuit that could never have a satisfactory resolution.

Camus' *The Stranger* also depicts the direction in which *The Eumenides* might point.⁵ The narrator, whose suggestive name is rarely used, is a stranger in a cosmopolitan society where everyone seems *xenos*. He lives a hazy existence punctuated only by moments of sharp physical pleasure. He never sets eyes on his father, and rarely sees his mother. He doesn't "love" his girlfriend but is willing to marry her. Like her, his "friends" are accidentally acquired. His work is of no interest; he eats haphazardly, alone or with whoever is there; and he doesn't care whether he lives in Algiers or Paris. His "home" is a rented apartment—he rarely eats there—and his mother dies in an institutional "home" for the aged. Living only in the present, he has no attachments to the past and no care for the future. He does not believe in God or in a life after death.

The trial that sentences him to death for his meaningless murder of an Arab is a judicial arrangement perfectly suited to his way of life—a jury of strangers; voyeuristic, indifferent journalists looking for news for bored readers in another place; witnesses who hardly know the accused, the victim, or each other; and lawyers who abstractly go through the motions of a trial. The dead man is barely evoked in the brightly lit courtroom, and no connections of his are present or mentioned. All we know of these dark Arabs is that, anachronistically in this cosmopolitan world of strangers, they are out to take revenge on a man who's insulted the sister of one of them. Evidently the Furies are still alive for them. At first, Meursault feels some interest in his trial; he has never witnessed one before. But during the trial he says he "was barely conscious of" who or where he was. He feels as though he is being "scrutinized" by himself, and never catches the eye of the girl who wants to marry him. Like a stranger at his own trial, he feels like a "gate crasher" and "off the map," and finds it incongruous that he should be sentenced in the name of the French people. "Why

not the Chinese or German people?" he wonders. The sentence of death will be carried out by an efficient machine; no people are mentioned, and the guillotine reminds him of a shining laboratory instrument. In this world of rootless, passionless, unconnected strangers, the sentence of execution "in some public place" also seems an incongruous anachronism. The murderer never regrets his murder, only the anticipated loss of the immediate pleasures of his flat day-to-day "life." He is convicted largely on distorted "evidence" about his mother's funeral. But, as the nameless prosecutor says, there is a "psychological" connection between the murder and Meursault's distance from his mother. The prosecutor does not realize, as we must, that the court, the journalists, the police, the Arabs, Algiers, Paris, and he himself form a coherent whole. It is a long way from the deaths of Agamemnon, Aegisthus, and Clytemnestra to the deaths of Meursault's mother, the nameless Arab, and Meursault himself, but a thread runs between them.

The acquittal of Orestes and the victory of Apollo is rightly celebrated by Athenian and modern viewers alike. But we no longer live with Eumenides under the ground, and there is little in our lives to remind us that these guardians are ever watchful. Having made the choice for Athens, however, we can be mindful that there are other choices yet to be made. What we have learned from Argos, Clytemnestra, and the Furies may clarify alternatives as we arrange the day-to-day workings of our political institutions. Perhaps the choice for enlightenment need not lead inevitably to Baby M in the spotlight and the Stranger dazed by the Algerian sun.

PART FOUR

MAKING JUSTICE VISIBLE: TRIALS AND TRAGEDIES

Present-minded goddess that she is, Athena is primarily concerned with the *founding* of the city's court and hearth. The last part of this essay will explore institutional arrangements that are not much discussed in Aeschylus' plays. The first of these institutions are recognizably political. In discussing them, we discuss ourselves. Furies retain their power by being out of sight, yet not invisible. Should not a political community, in apprehending suspects and in trying and punishing criminals, attempt to combine the exhibition of violators with their removal from sight? And is not a community also affected by what is on view in its public theatre? To think about the tragic drama as a civic teacher, we must return to Athens, for the theatre in our times is not so recognizably a political institution as the Theatre of Dionysus was in Aeschylus' city. Our consideration of both judicial and theatrical arrangements will focus once more on what Aeschylus shows us about what human beings need to *see*.

In Argos, people are bound by their looks. Kin resemblances are clear, families keep watch over their own, and citizens recognize each other. In

larger, more mobile, cosmopolitan societies, where family is no longer the primary influence, it is less likely that people will be on view to each other either before or after violations are committed. Crime in big cities is increased by anonymity and by tolerance for unconventional behavior and insults. Unfamiliar people who don't recognize each other's looks are more likely to look the other way when crimes are committed and when those who commit them are punished.

How should a political community begin to deal with those who "trample on the right?" Clytemnestra, Orestes, and the Furies arrange swiftly to isolate their apprehended victims behind closed doors. They reveal the "punishment" only after it has been accomplished. After *The Eumenides*, the pursuit, apprehension, and punishment of violators is out in the open, visible to all. The initial effect may be one of public awe, but eventually the visible administration of justice may become less dramatic, more business-like. Ironically, the public process may become so routine that it might even retreat once more behind closed doors—not of private houses but of impersonal institutions. In our times, apprehended suspects are usually detained until legal proceedings can be initiated. A community must decide whether the movements of such suspects should be visible or out of view to their fellow citizens. For example, should local jails and courthouses be located where they and their activities can be observed by ordinary citizens on their way to school, work, or the post office? Most of us are understandably disturbed as we pass an officer hustling a handcuffed suspect out of a wagon into the sheriff's office. The suspect may hide his face, and we will not stare. Nevertheless, we have taken note of each other and have been reminded of the sort of community we live in. Both the need to notice and our mutual reluctance to look indicate the connection between public morality and shame. Recent technology has made it possible to conduct bail hearings by closed-circuit television between judges' chambers and local jails. This eliminates expensive and time-consuming transport and guarding of suspects between jails and courtrooms. Paradoxically, however, the new video equipment reduces the public visibility of the judicial process. Bail hearings become a "private," but now impersonal, matter between officials and accused instead of a public event visible to injured parties and all interested citizens.

The importance of visibility of court trials has already been emphasized in our consideration of *The Eumenides*. The play suggests that, at his trial, the convicted violator must face his accusers and punishers and acknowledge that he will pay the consequences of his violation with his eyes open. He, too, sees justice done. Unlike Agamemnon, Helen, Clytemnestra, and Aegisthus, he knows that, though he once acted as if no one were watching, the eyes of others are now upon him. If a visibly staged public trial is important, perhaps something may be lost—from a civic point of view—when we resort to more efficient, behind-the-scenes plea bargaining to speed up the judicial process. Is it always better for speedy justice to take precedence over visible justice? When

civil trials replace kin revenge, perhaps the community can try to remember how important it is for kin and unrelated citizens to witness the proceedings. Surviving kin are usually the most visible and vocal spectators at murder trials. In court literature it is commonplace to hear the most law-abiding, peaceable citizens declare: "If I see justice done, I'll be satisfied. If they let him off, I'll murder him with my own hands." The 1987 French trial of the Nazi officer, Klaus Barbie, had as its main end the face-to-face confrontation of this murderer with his victims. Barbie's refusal to remain present at his trial deprived his victims of the main satisfaction that the trial could, at this late date, hold out to them. Newspaper reports referred to his walkout as a "new escape." It was clear that forcing the "butcher" to face his victims at last as human beings among other human beings, and to acknowledge his crimes, was at least as important as any technical conviction that the trial might produce. The same point is often made by those who object to plea bargaining. The importance of visual confrontation is a recurrent theme in most discussions of crime and punishment—from detective fiction to trial lawyers' advice books to books about trials (Wishman 1986, 102). Unlike the "trials" of Thyestes, Helen, Agamemnon, and Clytemnestra at one extreme, and of the Stranger at the other, our trials aim at "eye contact," but in the presence of confirming witnesses. It is an element of revenge justice that must be transformed in public courts. But should it be entirely eliminated?

The "looking" of jurors must also be considered. In Athens the entire citizen population routinely served as judges in trials. In large modern cities, few citizens ever serve on juries or even attend trials. It is also unlikely that those who do will have seen each other in other contexts before a trial. As we have seen, the trial is set in a "frame"; it is a contained action articulated from the past and from the future. But should we not be careful lest the frame exclude too much of the life that contains it? Jury service is a rare experience in the life of a modern citizen, often confined to a few brief days. Jurors are not routinely aware of the final disposition of cases. When they acquit, they rarely hear of a future conviction. Their job is to judge the accused, not to solve a case or satisfy the injured. When they give guilty verdicts, they are often unaware of the punishment that follows, because judges often sentence after a trial. Might their failure to see the trial through to its very end diminish the gravity of the jurors' judgments? They may look together during the trial, but do they feel that they continue to be a community after it? After a recent trial, the jurors "all said we'd be in touch, and maybe get together again. I guess that won't happen, but when we were leaving the courtroom we all said we'd try" (Wishman 1986, 250). Is it possible for justice to become *too* impersonal?

The looking *of* juries will be effective, as we have seen, only if it is accompanied by carefully arranged public looking *at* and *with* juries. As a modern judge instructs the jurors:

Not only must juries exonerate the innocent and convict the guilty, they must *appear* to be doing that. If the public loses confidence that juries are rationally settling violent disputes between society and those accused of offending it, personal acts of vigilantism, revenge, lynchings, and riots are not far-fetched consequences (Wishman 1986, 43; cf. Jacoby 1983, 362).

Public observation and supervision have always been essential features of jury trials. In free societies, public officials, news reporters, and “interested” private citizens are expected, and even encouraged, to witness the proceedings. This last group is especially interesting. On the one hand, they observe because it is in their interest to supervise and monitor this public business. But this group has also always contained people who find the “dramas” they witness there “interesting” and “entertaining.” These retirees, students, housewives, and other citizens attend courtroom dramas in person. Working people who cannot do this get their reports through the “media,” which, like juries, serve as “watchdogs” against injustice in modern democracies. It has been suggested that the routine televising of trials, like other public events, would contribute to public interest and care for the law. Once again, however, experience with modern video technology suggests the drawbacks of this suggestion. Consider the theatricalization of televised congressional hearings, interestingly confused by many viewers with trials. Consider also the popularity of TV shows like “The People’s Court,” “Divorce Court,” and “L.A. Law.” Their appeal ranges from curiosity about the rich and famous, to the desire to make one’s own judgment and compare it with that of a real judge, to identification with the “characters,” to an interest in “psychology.” Like many soap opera fans who confuse the fictions they watch with real life, these television viewers are often unclear about whether they are watching trials, reports of trials, or theatre, especially since the “plots” vary in how “scripted” they are. The ultimate confusion is found in the recently reported real-life trial of Joan Collins, a soap actress whom the same audience had watched take the stand as a TV character in the fictional murder trial of her TV husband (Ryan 1987; Sanger 1987). This kind of slippage can be extremely dangerous in a community whose institutional system of justice depends on the ability of its citizens to see clearly, and to make distinctions. When public looking—in the theatre or in the courts—degenerates into private voyeurism, both civic and private virtue are likely to decline. Through television the public now has access to a greater “view” than ever before in human history. We see to the far limits of the earth and into the most private situations. But this viewing is essentially private viewing. There can be no “eye contact” between watcher and watched; and, in the case of trials, the consciousness of being exposed to millions of viewers is too abstract to have the effect that personal face-to-face, or more local, shaming has. Finally, since the millions watch in private homes, television does not allow citizens to look *together*. If trials were televised, we would have easy access to

what is usually behind the closed doors of private homes and even of public courts. But we would also observe these things from behind closed doors. Television takes us through the gates whose penetration the *Oresteia* dramatizes, but it may not provide an effective middle ground between private and public. Is a “media” public, now mostly a television public, enough? The *Oresteia* suggests that human beings require a community that is more immediately felt and visible (Flaumenhaft 1984).

The same concern for public vision might help decide what *punishment* is appropriate when a suspect has been judged guilty.⁶ For example, visible punishment within the community might be preferable to banishment. Homer tells of people who have killed and are expelled from their communities to avoid blood feuds. By turning the killer into an invisible outsider, continual bloodshed is avoided and the surviving kin may be spared the constant offense of having to view the violator, a difficult sight even if there has been some recompense. But exiling the killer may be just another way of averting one’s eyes and looking away. The banishing community shows him for what he is, but then makes him invisible. Banishment may punish the violator by depriving him of his former place and identity but, in time, if he no longer sees his home place, he may develop satisfying attachments to a new home. As we have seen, the Furies both drive the offender from his home and keep him bound to it. For those who have been violated and who remain in place, even an effective banishment ceremony may fail to satisfy. They may require visible punishment within the bounds of the place they once shared with the violator. We might remember the Chorus’ description of Helen here: although in exile, she left a “phantom vision” in Argos and reduced those she shamed to less than their former selves. To become whole again, Clytemnestra needs to *see* Agamemnon’s punishment. She and Orestes retaliate in the very places their victims offended them; the justice of it pleases. The worldwide pursuit of former Nazis (like Klaus Barbie) who pose no continued threat indicates clearly that visible punishment is more important than mere removal. Punishment at home keeps the convicted criminal as an example before the eyes of other would-be criminals, but it aims at more than utilitarian deterrence. It speaks to those who do live by the expectations and bonds of the community. It affirms that attachment to community, like ties to a natural family, is permanent (Oldenquist 1986, 78). Visible punishment in place is a way of continuing to recognize the “Furies” in an enlightened, civilized community.

Civilization cannot accept Clytemnestra’s savage pleasure in the blood of her husband, or allow the satisfactions of those who would dance round the gallows or electric chair. But should civilization entirely suppress the passionate desire to *see* justice executed? Perhaps the punishment of convicted criminals, like their trials, should not be removed too far from sight. It is true that prison walls, like accused criminals in handcuffs, are deeply disturbing sights to law-abiding citizens. Furthermore, they take up valuable space and present a

danger to those living near them. It is easy to appreciate the reasons for the distant removal of the place of punishment, as well as the place of judgment, from the ordinary law-abiding life of a community. Less obvious are the reasons that might argue against removal. Large, isolated prisons make rehabilitation of convicted violators less likely. Small-town jails were intended as temporary holding places until all but the most incorrigible detainees could be reintegrated into the community. Remaining on view to law-abiding citizens, jailed violators were not thoroughly severed from their past identities. For the most part, they looked like themselves. Huge penitentiaries in distant locations, however, are often "pens" to keep society's outcasts rather than rehabilitation centers, as they were originally intended to be, for those who had become "penitent." Such places tend to reduce prisoners to faceless nonpersons in uniform or, worse, to beasts . . . who require feeding (Wishman 1986, 13; see also Camus 1960, 143). The change in their looks, however, may not shame them into reform as it might do if others could see them, but is often merely a means to control. Also unclear is the effect such prisons have on those who incarcerated these outcasts. Except for violent outbreaks, once they are out of sight, they are, for the most part, out of mind. To the larger community, the changed looks and reduced lives of inmates are invisible. They are, in effect, banished but without the advantages of banishment. "Prison awareness" programs attempt to bring volunteers to prison inmates for quasi-social contacts. But these programs involve very few people, and the motives of and effects on those who participate are unclear. Teenagers from high-crime areas are sometimes given prison "tours" in hopes that such sight-seeing will discourage would-be violators (Jacoby 1983, 275). But does it have this effect? More important, the distant location and euphemistic names of these "correction facilities" may fail to satisfy those who have been violated and to remind those who live with them that justice has been and is being done. Once again, "justice must not only be done; it must be seen to be believed" (Gross 1983, 111). Perhaps it is not too wasteful of space and too offensive to civilized sensibilities for native Chicagoans and out-of-town sight-seers to look down from the Sears Tower and to see, in one direction, municipal buildings and, in the other, prisoners exercising on a nearby roof below. We should also consider the outside life that might be observed from captivity by these prisoners and, more likely by those in the jail of a smaller town. Might they be more likely to return to law-abiding lives than Camus' Stranger, who sees only an empty patch of sky from his cell, or than a prisoner in an isolated state "pen"? Perhaps freedom, too, must be on view.

The importance of visibility in apprehending, trying, and incarcerating violators might suggest, for some violations, more visible punishments than incarceration. This does not mean, of course, public torture or executions, or even milder exposure to public censure, like stocks or dunkings. The hanging of a pickpocket has often been observed to be the most inviting and lucrative oppor-

tunity for other pickpockets, and experience has long shown that turning the execution of justice into public spectacle is as bad for the souls of the punishers as it is for the souls and bodies of those punished. Cesare Beccaria (1963), the influential eighteenth-century opponent of capital punishment and public torture, nevertheless argues an advantage of penal servitude: “It inspires terror in the spectator more than in the sufferer [48]. Public punishment of lesser crimes, which are closer to men’s hearts, will make an impression which, while deterring them from these, deter them from the graver crimes” (57). Unlike Orestes, who is acquitted and returns to his city looking like himself, the first guilty murderer in the Bible is sentenced to a life of fugitive wandering (there are not yet distinct communities) and of visible shame. The mark of Cain deters other murderers and, for Cain himself, is an indelible sign of his separation, even after he builds his city. Thinking about Cain does not suggest the return to public excoriation of scapegoats, but it does invite reconsideration of the place of shame in civilized communities. For lesser crimes than Cain’s and Orestes’, might devices like taggings, bumperstickers, newspaper confessions and apologies, and other visible publication of the trials and punishments of legally convicted violators be more effective than banishing them from our sight?

And what if one concludes that, in some cases, capital punishment—the complete and permanent removal from the sight of fellow human beings (*Hades* is Greek for ‘unseen’) is the appropriate sentence? It seems right that executioners be anonymous, blindfolded, masked, and plural, so that public justice in the name of the community may be done impersonally, so that no new Clytemnestra will bloody her hands. Recent accounts of the desire of surviving relatives, curious journalists, professors of sociology, and voyeuristic, bloodthirsty fellow citizens to witness executions make it clear that such acts must *never* be public spectacles—either live or on television. This last suggestion is another example of how modern video technology could pervert civic visibility. Yet the gravity of an execution demands that it not be done completely behind closed doors. It has been suggested that one way to allow an enlightened community to observe such a dark event would be for executions to be witnessed officially by community representatives—perhaps elected legislators—just as representative juries witness the trials that convict such violators (Berns 1979, 187–88). One may well be reluctant to embrace capital punishment as the only appropriate response to the most heinous crimes. But it does seem that especially those who retain doubts about it should advocate, instead, public and visible ways to deal with violators of the laws. For if civilized, institutional justice fails to satisfy in the ways we have been considering, private revenge is likely to supplement it where the public institutions are felt to be inadequate. Or, just as bad, as I have been suggesting, human beings who have lost the passions that require satisfaction may cease to demand redress.

At the end of the *Oresteia*, a crucial step has been taken. The Athenian trial

provides the solution, the remedy, to the age-old horror in Argos. But the difficult political decisions about arraignments, trials, punishments, and other proceedings concerning violators are yet to be worked out. Orestes' story, and that of his family before him, suggest that when juries replace Furies, the judicial arrangements should pay special attention to the way things look.

Let us conclude by returning to Athens, a city that paid close attention to what its citizens could and should see. Its own looks—its public buildings, assemblies, courts, festivals, processions, and, above all, its *theatre*—attest to this concern for the visible in civic life. In the *Oresteia*, Athena persuades the Furies that they will be accorded permanent reverence in their new residence. The public hearth will be a visible focus for what they stand for. But unlike other divinities on the Acropolis, the Eumenides themselves will not be visible. Their continuing power and the awe they inspire has something to do with their not being accessible to the sight of mortals. On the other hand, as they fear at first, and as I have suggested above, their hiddenness may work the other way. Their place beside the house of Erechtheus is under the ground; the temple shines in the sunlight, but they themselves are out of sight. Athena suggests that the Athenians will know that they are there, unseen, but ever vigilant. But she makes no arrangements for future generations of Athenians, born under the blessing of these dread goddesses, to *behold* them or to *imagine* what is out of sight. It is left to Aeschylus in the theatre of Dionysus regularly to exhume the Furies⁷ and to bring the Athenians *face-to-face* with them and with the Argive events that led to their taking up residence in Athens. Wise goddess though she is, Athena, like Apollo, does not dance. She stages trials and processions, but not tragedies. Aeschylus knows that full human beings require tragedies.

From the beginning, I have called attention to the “theatrical” aspects of private justice and suggested analogies between the public court and the public theatre. Trials and tragedies both invite a whole community of conforming citizens to viewings of stories that contradict and undermine civic life. Both exhibit what is usually out of view: suppressed or deviant behavior that violates the boundaries enforced by the city. Citizen-spectators look, listen, and judge the protagonists in both judicial and theatrical recapitulations of past events. But there are differences as well.

The courts display criminal violations as wrong. Although their justice differs from the old Furies justice by considering intentions and circumstances as well as deeds, their stance toward the crimes they view is unequivocally negative. In the realm of the political and moral, citizen spectators may pity the plaintiffs and even identify with a condemned criminal, but they know that the events they view are entirely regrettable. Defendants and advocates attempt to arouse pity, and trial lawyers “rehearse” witnesses and defendants—their “actors”—to achieve the desired effect on the “spectators.” But the first aim of the court is to inspire not pity but fear. This is the *phobos* of which the Furies speak, and which Athena insists must be retained in the enlightened legal sys-

tem that replaces them. The word is derived from *phebomai*, 'to be put to flight.' Like those who behold the Furies, those who witness the reconstructions of terrible acts in a trial will "flee" from similar ones. Although a trial, like a play, is a framed representation, the "action" imitated there is entirely continuous with the "real" life that comes before and after it. Thus a writer-juror in a murder trial muses:

It was like a morality play, with all the different acts, all performed on the stage of the courtroom with all the different players. And we the jurors were part of the cast. But the judge's charge shook me into realizing that this wasn't just a play. The Collins woman really bled, and Rafshoon's life really was on the line (Wishman 1986, 249–50).

When possible, the "actors" "play" themselves, and jurors and spectators judge them as such. Although trials are punctuated by beginnings and ends, and participants do somehow shift roles at the end of them, there is not an abrupt "breaking of frame" at the conclusion. (See Goffman (1974) for an exhaustive analysis of "framing," and Wishman (1986, 250) for the ends of trials.)

The looking of spectators in the theatre of Dionysus is somewhat different. The pity and fear that are inspired there contain a dimension not included in the pity and fear of the law courts. Although theatre spectators are also invited to look and judge, they do not deliberate. Their judgments of reenacted past deeds will not have immediate political consequences for real people. Thus, though it too takes place in a carefully arranged civic context, this looking is not exclusively political; it is not for the sake of action. Even though the story is about themselves, and stage-Athenians and live-Athenians may merge as they leave the theatre, the events seen there are more "framed" than those revealed in a trial. The tragedies make visible the terrible things—*deina*—that enlightened cities suppress: the rapes, parricides, adulteries, child eating, defiled corpses, and passionate revenges that have been overcome in the progress toward civilization. In the theatre all viewers stand, like Pylades and like jurors, at the gates or on the threshold and look within. But their view of such terrible things will be more complex than that of court jurors who aim merely—and rightly—to eliminate them.

In *The Eumenides*, Clytemnestra and Orestes and the whole Argive experience that they bring to Athens are, like the Furies, "terrible to speak and terrible for the eyes to see" (34). They remind us of Sophocles' Oedipus in the Athenian grove of the Furies: "terrible to see, terrible to hear" (*deinos men horan deinos de kluein*) (*Oed. Col.*, 141). As the stage Athenians in the plays grant Orestes the gift of his life, and Oedipus the gift of his death, the enlightened city *receives* a gift in return. For in Orestes, as in Oedipus, they may see, without risking their own destruction, what is usually out of view to civilized cities. And they may learn from what they see. Similarly, Aeschylus' fellow Athenians, looking together in the theatre of Dionysus, may experience something of the elemental instincts that are as essential to their humanity as are the

rational arrangements that have superceded them. In facing these buried things, they may be reminded that the institutions of the civilized city must not forget the passions revealed in these old stories. Even enlightened citizens do—or should—demand that impersonal institutions be as vigilant in apprehending, trying, and punishing violators as next of kin once were. Male distance should not obliterate female insistence that it is right to defend—and, maybe, even to kill for—what is one's own by nature. Nonrational attachments to what is our own, and the need for some form of visible retaliation, should not be completely disregarded, even as they are contained by our more orderly impulses. Public punishment, with its eyes on the future, aims at deterrence and rehabilitation. But should it not remember that the past—somehow—requires visible revenge? Our institutional arrangements should not become so antiseptic and abstract that we lose sight of our first—in all senses of the word—demands of justice.

The linear progress that produced the city's rational life is celebrated by enlightened Athens in the midst of a festival that deliberately shatters this way of life and returns, somehow, to first things. The nighttime processions, shadowy, formless masquerades, and the every-felt presence of Dionysus throughout the festival, make it clear that this is the time for reaffirming nonpolitical passions. The spectators in the theatre may have been seated by tribe, and Dionysiac dithyrambs were tribal presentations, underlining the family attachments that other civic arrangements attempted to weaken. The Assembly did not meet during the Great Dionysia and so no trials were held. Hard as it is to imagine, convicted prisoners were released on bail during the festival period.

At the core of the festival is the *Oresteia*, which, while inviting its viewers to celebrate the progressive triumph of the court at Athens, first forces them to dwell in the house of Atreus, to come face to face with Dionysus, not as Apollo's peaceful partner (*Eum.*26), but unassimilated, raw. It is no accident that the Furies so often remind us of the Dionysian maenads in Euripides' *Bacchae* (Flaumenhaft 1984; Whallan 1961, 1946). The songs and dances of cyclic revenge are heard once more, not merely as the ancient echoes of rightly suppressed barbarity, but as the eternal reverberations of what makes us human. Although the *Oresteia* ends with the possibility of the resolution of human tragedy in political solutions, Aeschylus himself, in the theatre, reintroduces the possibility of tragedy into the city. In their subsequent deliberations in assemblies and courts, the Athenians' face-to-face view of Clytemnestra and the Furies will be as formative as the detached reasoning of Apollo, Athena, and the jurors. In addition to Athena's rational arrangements for maintaining fear of invisible powers under the hill, Aeschylus orchestrates sheer terror at the looks of things. By reenacting the story of the House of Atreus, the playwright thus supplements the political job of the courts, and completes the unfinished work of the goddess. Together, Athena and Aeschylus might make it possible for Athens to see justice done. And, perhaps, the *Oresteia* can also give some guidance to us.

ENDNOTES

1. C.S. Lewis' (1977) unfinished story, "After Ten Years," captures Menelaus' mixed yearnings for love, revenge, and dignity as he recaptures Helen at Troy. Note the emphasis in Lewis' story on Menelaus' visions, Helen's looks, their eye contact, and the discrepancy between Agamemnon's victory and Menelaus' loss.

2. As Avenger in Arthur Conan Doyle (1930, 79) says, "There is no satisfaction in vengeance unless the offender has time to realize who it is that strikes him, and why retribution has come upon him."

3. A similar revival is claimed by a character in a story described by Susan Jacoby, *Wild Justice* (New York, 1983), p. 56.

4. Robert Fagles and W.C. Stanford (1975) also speak of the middle play as a "new attempt to penetrate the massive walls" (64). Thomson (1968) argues that Orestes' situation parallels that of an initiate in the Eleusinian mysteries, who, after an extended *agôn*, becomes part of the visionary company. In *The Libation Bearers*, the contest is carried out under the supervision of his friend. The Chorus is "admitted into the secret of the plot" but they may not "behold" its execution. Pylades is to accompany him into the palace, "to stand over him and watch" (253). Of course, the triumphant echoes of the mysteries in this scene are soon reversed in despair (257). Fagles and Stanford also emphasize the rites of passage and initiation themes (68, 69, 86).

5. Walter Berns (1979, 156–63) says the novel is a "brilliant description of our world" as Camus saw it, but uses the novel itself to argue against the anticapital punishment position Camus espoused in "Reflections on the Guillotine (Camus 1960, 220, 222). My summary of the novel emphasizes the relations among the themes of attachment, visibility, and public justice as the *Oresteia* invites us to consider them. I have used the Stuart Gilbert (1946) translation.

6. Readers familiar with Michel Foucault's *Discipline and Punish (Surveiller et punir)* will find that many of its themes overlap with those of the present essay. These include judging, transporting, incarcerating, punishing, and rehabilitating convicted criminals. His emphasis on visibility and public ceremony is especially interesting. However, his concern for strategies of power make him concentrate on two models at the expense of a third. He describes the sovereign/monarch who controls unindividuated masses through public shows of power; he also explores the modern use of democratic, administrative surveillance to control individual violators, especially after they are apprehended and are subject to comprehensive observation in incarcerating institutions. But he is less concerned with the continual *mutual* viewing that even modern democratic institutions might aim at, and this is the kind of politics that interests me here.

7. It was the practice not to have more than one performance of a tragedy. Apparently, however, after Aeschylus died, as a special honor to him, his plays were permitted to be repeated. This way of honoring the civic playwright was itself a civic act. Although Aeschylus could not literally be responsible for this, the repeat performances of the *Oresteia*, I shall suggest, fulfill one of the purposes for writing the drama to begin with.

BIBLIOGRAPHY

- Aeschylus. 1953. *Oresteia*. Tr. Richard Lattimore. Chicago.
 Beccaria, Cesare. 1963. *On Crimes and Punishments*. Tr. Henry Paolucci. New York.
 Berns, Walter. 1979. *For Capital Punishment*. New York.
 Camus, Albert. 1960. "Reflections on the Guillotine." In *Resistance, Rebellion and Death*. Tr. Justin O'Brien. New York.
 _____. 1946. *The Stranger*. Tr. Stuart Gilbert. New York.
 Chantraine, Pierre. 1968. *Dictionnaire Etymologique de la Langue Grecque*. Paris.
 de Coulanges, Fustel. 1956. *The Ancient City*. Garden City, N.Y.
 de Romilly, Jacqueline. 1968. *Time in Greek Tragedy*. Ithaca, N.Y.

- Dover, K.J. 1957. "The Political Aspects of Aeschylus' *Eumenides*." *Journal of Hellenic Studies* 77:230–37.
- Doyle, Arthur Conan. 1930. "A Study in Scarlet." In *The Complete Sherlock Holmes*. Garden City, N.Y.
- Euben, J. Peter. 1982. "Justice and the *Oresteia*." *American Political Science Review* 76(1):22–23.
- Fagles, Robert, and W.C. Stanford. 1975. "Introduction." In *Oresteia: Agamemnon, The Libation Bearers, The Eumenides*, by Aeschylus. Tr. Robert Fagles. New York.
- Flaumenhaft, Mera J. 1984. "Looking Together in Athens: The Dionysian Tragedy and Festival." *The St. John's Review* XXXV, Number 2 (Spring):48–59.
- Foucault, Michel. 1979. *Discipline and Punish*. New York.
- Garner, Richard. 1987. *Law and Society in Classical Athens*. London.
- Goffman, Irving. 1974. *Frame Analysis*. New York.
- Gross, John, comp. 1983. *Oxford Book of Aphorisms*. Oxford.
- Harrison, A.R.W. 1968–71. *The Law of Athens*. Vol. II. Oxford.
- Huizinga, J. 1955. *Homo Ludens: A Study of the Play Element in Culture*. Boston.
- Jacoby, Susan. 1983. *Wild Justice*. New York.
- Jones, John. 1962. *On Aristotle and Greek Tragedy*. New York.
- Kass, Amy A. 1981. "The Homecoming of Penelope." Lecture, University of Chicago.
- Kuhns, Richard. 1962. *The House, the City, and the Judge: The Growth of Moral Awareness in The Oresteia*. New York.
- Lattimore, Richard. 1953. "Introduction." In *Oresteia*, by Aeschylus. Chicago.
- Lebeck, Anne. 1971. *The Oresteia: A Study in Language and Structure*. Cambridge, Mass.
- Lewis, C.S. 1977. *The Dark Tower and Other Stories*. New York.
- McLeod, Colin. 1982. "Politics and the *Oresteia*." *Journal of Hellenic Studies* CII:124–44.
- Oldenquist, Andrew. 1986. "The Case for Revenge." *The Public Interest* no. 82(winter).
- Podlecki, Anthony. 1966. *The Political Background of Aeschylean Tragedy*. Ann Arbor, Mich.
- Rosenmayer, Thomas G. 1982. *The Art of Aeschylus*. Berkeley, Calif.
- Ryan, Michael. 1987. "They Tell It to This Judge on TV." *Parade* July 5, 8–9.
- Sanger, Trustman. 1987. "Soaking Up the Summertime Soaps." *Washington Post* August 2, C1–C3.
- Scott, William C. 1984. *Musical Design in Aeschylean Theatre*. Hanover, N.H.
- Stoessl, Franz. 1952. "Aeschylus as a Political Thinker." *American Journal of Philology* LXXIII.2:113–39.
- Taplin, Oliver. 1977. *The Stagecraft of Aeschylus*. Oxford.
- Thomson, George. 1968. *The Oresteia of Aeschylus*. New York.
- Tocqueville, Alexis de. 1966. *Democracy in America*. Tr. George Lawrence, eds. J.P. Mayer and Max Lerner. New York.
- Whallon, William. 1961. "Why Is Artemis Angry?" *American Journal of Philology* LXXXII:84–88.
- . 1946. "Maenadism in the *Oresteia*." *Harvard Studies in Classical Philology* 68:317–27.
- Winnington-Ingram, R.P. 1933. "The Role of Apollo in the *Oresteia*." *The Classical Review* 47 (July): 97–104.
- . 1983. "Orestes and Apollo." In *Studies in Aeschylus*. Cambridge.
- Wishman, Seymour. 1986. *Anatomy of a Jury: The System on Trial*. New York.