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# AESCHYLUS' *EUMENIDES* AND LEGAL ANTHROPOLOGY<sup>1</sup>

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In *Aeschylus' Eumenides and Legal Anthropology* a new interpretation of *Eumenides* is given against the background of anthropologically inspired studies in Athenian law. J. Grethlein challenges the traditional view that there is a development from vendetta to autonomous law. Firstly, it is given evidence by the text of *Eumenides* that there is neither the juxtaposition of two different legal orders nor the idea of an autonomous law in the end. In a second step it is argued that the idea of law in *Eumenides* closely corresponds to some recent attempts to reconstruct the features of Athenian legal thinking. Especially the insight into the close connection of law and politics proves illuminating. Thirdly, another interpretation of the juxtaposition of Apollo and Erinyes is given. J. Grethlein argues that horse references evoke the image of a young knight for the reception of Apollo. This audience-oriented approach is to be preferred to an allegoric interpretation as a concept for tragedy's relation to reality.

In the wake of New Historicism the border between history and literary criticism has been blurred<sup>2</sup>. Literature has become an essential source for the reconstruction of mentalities, everyday life and social discourses. Moreover, New Historicists emphasize that literature is not *l'art pour l'art*, but fulfills important socio-political functions. The first aspect is not new for the Greek legal historian. Due to the sparseness of his sources he has always been forced to make use of literary texts. Not only are the Attic orators the "chief source of our knowledge of Athenian law"<sup>3</sup>, but also drama, especially comedy, gives important insight into the workings of Athenian legal life. In this article I will take a different perspective in that I would like to demonstrate in which way new developments in the study of Greek law have

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<sup>1</sup> The Greek text of Aeschylus is taken from WEST (1998<sup>2</sup>), the translations are from LLOYD-JONES (1979).

<sup>2</sup> For the reception of New Historicism in Classics in general see SCHMITZ (2002) 175-192 with further literature, for Greek tragedy in particular see MOSSMANN (1995) 6-10.

<sup>3</sup> TODD (1993) 36.

impact on literary interpretation. For this I will focus on Aeschylus' *Eumenides*, the last play of the *Oresteia*.

In *Eumenides* Orestes is haunted by the Erinyes who want to punish him for killing his mother. First he arrives at Apollo's sanctuary in Delphi. Apollo has ordered him to take vengeance upon his mother for killing his father and has offered him protection. He tricks the sleeping Erinyes and sends Orestes to Athens. There, Orestes and the Erinyes meet Athena and explain their conflict. Athena refuses to decide the case herself, but institutes a new court for it, the Areopagus. Due to her vote Orestes is acquitted. This outcome of the process rouses the Erinyes to anger and they threaten Athens with their revenge. However, in a long discussion Athena manages to reconcile them by offering extraordinary honours, and finally the Erinyes acquiesce. They are integrated into Athens as protectors of the social order.

*Eumenides* is an unusual tragedy in many regards. There is a movement from one place (Delphi) to another (Athens), which retards the action and heightens the suspense<sup>4</sup>. Gods appear from the beginning and are an important part of the action. This gives the play a solemn air. The traditional form of a suppliant play is changed by the founding of a court. Moreover, the play is strongly connected to the world of the audience by three charter myths<sup>5</sup>: The institution of the new court is a charter myth for the Areopagus. The alliance between Athena and Orestes prefigures a contemporary alliance with Argos. The integration of the Erinyes is an aetiology for the cult of the Semnai Theai in Athens. While in most tragedies there is a tension between mythical past and contemporary world, in *Eumenides* the fictitious past merges with the present of the performance. In some parts the audience is even drawn into the action. By these means the play must have gained a special significance for the audience<sup>6</sup>.

The hermeneutical richness of *Eumenides* is shown by the great variety of interpretations which modern scholars have given. One of the most influential readings is a legal interpretation. According to it, *Eumenides* represents the legal development from vendetta to a state under the rule of law<sup>7</sup>. The old Erinyes are thought to embody the archaic world of feud: in an endless cycle murder follows murder, as we have seen in *Agamemnon* and *Choephoroi*. Finally, the old order is overcome by a new legal system, which is symbolized by the Areopagus. According to this widespread interpretation, *Eumenides* mirrors the historical process in which feud is superseded by law as an autonomous authority.

In a first step I would like to show the problems which arise from this interpretation. Secondly, these problems will be argued to be due to an anachronistic idea

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<sup>4</sup> For a formal analysis of *Eumenides* see GRETHLEIN (2003) 204-215.

<sup>5</sup> Cf. GRETHLEIN (2003) 215-222.

<sup>6</sup> Cf. GRETHLEIN (2003) 222-228.

<sup>7</sup> For example HAVELOCK (1978) 283-285; MEIER (1980) 177s.; MACLEOD (1982) 135; WINNINGTON-INGRAM (1983) 127; NICOLAI (1988) 32s.; CANARIS (1996); GLAU (1998) 310; MANUWALD (2000) 78.

of law. It will become apparent that they can be easily evaded by an approach which is based on new insights of legal theory and history. In a third step I will sketch a new interpretation for some of the phenomena which have led modern scholars to the assumption that there is a development from vendetta to law. Instead of an allegoric reading, this outlook is the attempt to find the link between tragedy and politics at the level of its reception.

1. In *Eumenides*, a new court is established. However, the thesis that there is a development from vendetta to law is open to criticism from two angles: on the one hand, it must be doubted that there is a juxtaposition of two legal orders at all, on the other, there are many aspects of the process which do not fit in the idea of autonomous law.

Firstly, the most important evidence for the idea of two different legal orders is the juxtaposition of old Erinyes and young Olympian Gods<sup>8</sup>. It has been argued that the old Erinyes represent the archaic system of vendetta, while the younger gods, Apollo and Athena, stand for the new, civilized legal order. Indeed, the dichotomy "old – young" figures prominently in *Eumenides*; the Erinyes often complain that they as old goddesses are deprived of their honour by the young gods<sup>9</sup>.

However, the dichotomy "old – young" never refers to legal orders – nowhere in *Eumenides* are old and new legal systems juxtaposed. There is one single passage in which the Erinyes speak about new laws (490-493). This passage is not only corrupt, but there is no reasonable reading of it which leads to the juxtaposition of different systems of law<sup>10</sup>. In *Eumenides* the dichotomy "old – young" can not be used as evidence for the existence of different legal orders, it simply refers to the traditional idea of generations of gods<sup>11</sup>.

There is not only no explicit juxtaposition, even the assumption of an implicit existence of different legal orders can be safely refuted: secondly, it must be stressed that in *Agamemnon* and *Choephoroi* Erinyes and Olympian gods act together

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<sup>8</sup> SOLMSEN (1949) 184s. emphasises how absurd it is to assume that *Eumenides* represents such a development: «That by the middle of the fifth century two different conceptions or systems of Justice, one represented by clan feuds, blood atonement, and extralegal self-help, the other by the courts of law, should have existed side by side, clashing with each other at times, and that Aeschylus should have dramatized the historical process by which the one system won out against the other is a very implausible and anachronistic hypothesis.» In the following I would like to give evidence that this thesis is not only implausible, but that it contradicts the text. Cf. against the thesis that there is a development of law LLOYD-JONES (1971), 92-95; VICKERS (1973) 417 n. 49; COHEN (1986); HEATH (1987) 29s. See also GRETHLEIN (2003) 234 n. 121 against the detailed argument of MANUWALD (2000).

<sup>9</sup> Cf. MANUWALD (2000) 78-84. See for the dichotomy also LEBECK (1971) 16-20 and PETROUNIAS (1976) 281s.

<sup>10</sup> See the discussion in GRETHLEIN (2003) 235 n. 122.

<sup>11</sup> Cf. SOLMSEN (1949) 185: «Myth and poetic tradition rather than the sociological realities of contemporary life suggested to Aeschylus the existence of two different orders.»

and have the same aims. For example, in *Choephoroi* 283s. Apollo threatens Orestes with the Erinyes when he urges him to take revenge on his father<sup>12</sup>. This point does not match the idea that the old Erinyes stand for an archaic form of law which is superseded by a new law represented by the young gods. It shows that Erinyes and Olympian gods are not at loggerheads in principle, but that there is just a conflict in a specific case<sup>13</sup>.

Thirdly, that the Erinyes explicitly agree to the institution of the new court goes badly with the thesis of a juxtaposition of different legal orders.

The assumption of two different legal orders is fourthly contradicted by the integration of the Erinyes in Athens. The Erinyes keep their old function and are closely associated with the Areopagus<sup>14</sup>.

The conflict of the *Oresteia* is solved by a new court. As a result, dispute settlement takes place on the level of the polis, but it does not ensue that a new idea of law evolves. Neither explicitly nor implicitly two orders of law are presented in *Eumenides*. Consequently there can not be a development from archaic feud to modern law. One point can sustain this claim: already in Homer conflicts are settled on the level of the polis<sup>15</sup>.

In the following, I will take a closer look at the process to demonstrate that the Areopagus does not represent a new stage of legal thinking. The features of the process in Athens seriously contradict the idea of the autonomy of law which is supposed to supersede archaic vendetta. Apollo heavily draws on arguments which are not only irrelevant to the legal question, but affect the workings of legal institutions according to the idea of autonomous law. It is just a minor point that he refers to the authority of Zeus and tries to flatter Athena<sup>16</sup>. But he seriously contravenes against

<sup>12</sup> Cf. SOLMSEN (1949) 186-189, especially the evidence given in 187 n. 36 and 37. He also points out that there is no difference between Zeus and Erinyes in *Prometheus*. See also MANUWALD (2000) 77 n. 3.

<sup>13</sup> BRAUN (1998) 210-213 stresses that the conflict between the Erinyes and Apollo just refers to the case of Orestes.

<sup>14</sup> Cf. LLOYD-JONES (1971) 94 s.; LEBECK (1971) 148; VICKERS (1973) 418; BRAUN (1998) 165 with n. 621. For the association of the Erinyes with the Areopagus see MEIER (1980) 202; BRAUN (1998) 153-166.

<sup>15</sup> Cf. GRETHLEIN (2003) 236 n. 127. SAID (1984) 54-57 analyses the expressions for vengeance and justice in the *Oresteia* and concludes that they can not be separated: «Mais seule une lecture rapide permet de tirer du texte d'Eschyle une opposition simpliste entre une vengeance "immédiate, démesurée, aveugle" et, pour tout dire, sauvage, et une peine "mediatisée, mesurée, personnalisée", en un mot civilisée. L'Orestie souligne au contraire fortement la continuité des deux systèmes, car la vengeance est déjà une forme de justice et la justice, même administrée par un tribunal, reste vengeresse.»

<sup>16</sup> 616-620: Never have I spoken on my mantic throne/ words touching a man or a woman or a city/ which had not been ordained me by Zeus, father of the Olympians./ I bid you understand how mighty is this righteous plea,/ and comply with the design of my father. 663-666: There can be a father without a mother; near at hand/ is the witness, the child of Olympian Zeus.../ <...>/ and she was not nurtured in the darkness of the womb,/ but is such an offspring as no goddess might bear.

the autonomy of law when he offers Athena a military alliance with Argos in the case of an acquittal, 667-673:

And for my part, Pallas, in other things I will do all I can  
to make your city and your people great,  
just as I sent this man to the hearth of your house  
that he might be true for all time  
and that you might gain him as an ally, goddess,  
him and those after him, and that this covenant might abide forever  
for these men's progeny to revere.

Modern commentators have not hesitated to call this corruption<sup>17</sup>.

On the other hand, the Erinyes make horrible threats against Athens if Orestes is not condemned, 711s.:

But mark well! Our company might prove grievous for your land.  
I advise you in no way to dishonor us.

719s.:

You say it! If I do not get justice,  
my company shall prove grievous to this land in time to come.

731-733:

Since your youth is riding down my venerable age,  
I wait to hear justice given in this case,  
being still in doubt whether to visit my anger on the city.

Irrelevant arguments, corruption and attempts to put the court under pressure do not agree with the autonomy of law which is supposed to evolve in the end.

If this was all, one could argue that it is just the conflicting parties who do not play according to the new order. However, Athena's role is a far cry from a judge in a system which is grounded on objective law. The reason she gives for her vote is anything but correct from a strictly legal point of view, 734-740:

It is now my office to give final judgment;  
and I shall give my vote to Orestes.  
For there is no mother who bore me;  
and I approve the male in all things, short of accepting marriage,  
with all my heart, and I belong altogether to my father.  
Therefore I shall not give greater weight to the death of a woman,  
one who slew her husband, the watcher of the house;  
Orestes is the winner, even should the votes be equal<sup>18</sup>.

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<sup>17</sup> REINHARDT (1949) 145; THOMSON ad 674-675; SOMMERSTEIN ad 566-777.

<sup>18</sup> Her closeness to Orestes via Agamemnon crops up already at her first entrance (397-402).

Moreover, the further development contradicts the idea of a new legal order. After the process Orestes swears that Athens will be never attacked by Argos. He will be a guarantor for this in his grave (762-774). He leaves for Argos, but the conflict is not yet finished. The Erinyes' anger presently turns against Athens. They seriously threaten Athens and it takes Athena some time to reconcile them. The fact that the conflict is not settled by the process undermines the idea of an autonomous law.

These points suffice to question the idea that *Eumenides* represents the birth of "modern" law. I would like to add another observation. One central aspect of an autonomous law is missing. While in modern times laws are the basis on which facts are judged, no laws are referred to for the judgement of Orestes' act of murder. The lack of positive law in *Eumenides* gives reason for serious reservations about the thesis that an autonomous law evolves at the end<sup>19</sup>.

In spite of the foundation of a new court, neither are two legal orders juxtaposed nor evolves the idea of an autonomous law. However, this does not mean, as S. Goldhill argues, that the closure of the trilogy is undermined<sup>20</sup>. As I would like to show, the aspects which go badly with the idea of an autonomous law can be explained as the expression of the Athenians' idea of law.

2. The study of Greek law has been described as a stepchild who suffered under Roman law, the stepmother<sup>21</sup>. For a long time Greek law was pressed into structures which derived from Roman law. Recently, it has come in its own right under the influence of legal anthropology which has demonstrated that many preconceptions of legal theory stemming from Roman law did not help to understand other ideas of law<sup>22</sup>.

I would like to stress two points with respect to the study of Athenian law<sup>23</sup>: firstly, it must be recognized that Athenian law is procedural, not substantial<sup>24</sup>. Moreover, laws have a different status from modern legal concepts:

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<sup>19</sup> This point is not noticed by those scholars who argue that there is a development from vendetta to law. CANARIS (1996) 576 even claims: «Wir erleben in dieser [Szene] nämlich gewissermaßen die Entstehung des positiven Rechts und der Gerichtsbarkeit aus dem Geiste des Diskurses.»

<sup>20</sup> GOLDHILL (1984) 208-283; (1986) 33-78. Cf. the critical discussion of his assumptions in GRETHLEIN (2003) 232-250.

<sup>21</sup> TODD/MILLET (1990) 3s.

<sup>22</sup> Cf. the literature in TODD/MILLET (1990) 15 n. 29.

<sup>23</sup> It is necessary to distinguish between Athenian and Greek law, cf. TODD/MILLET (1990) 7-11. On the other hand, scholars have been right to stress the common features of both, cf. for example DEBRUNNER HALL (1996). For the purpose of my article this question can be neglected, since only Athens is of interest.

<sup>24</sup> Cf. TODD/MILLET (1990) 5; TODD (1993) 64-67. Among the old textbooks only LIPSIVS (1915-1920) is based on procedures.

“...ancient rhetorical theorists classify laws as a form of evidence, whereas we would tend to speak of evidence being used to demonstrate matters of fact and laws being the rules on the basis of which those facts are to be judged; and it is striking that whereas a modern court is deemed to know the law, at Athens this did not apply, and it was the privilege (not the duty) of the litigant to produce in evidence the text of any legal statutes which he thought would strengthen the general rightness of his case”<sup>25</sup>.

Secondly, Athenian law can not be separated from its social and political contexts. Law is not an autonomous segment of reality, but is strongly intertwined with political aspects. This can be illustrated with the help of two details, namely judicial authority and legal language. There is no clear separation of judicial and deliberative bodies<sup>26</sup>. Neither are there professional lawyers: “Instead, the specialists, evidence of whose work we possess in some abundance, concentrated on techniques of performance, not technicalities of law”<sup>27</sup>. Moreover, although many expressions bear a legal mark, it is not justified to speak of a legal terminology<sup>28</sup>.

Since our legal thinking is heavily influenced by the Roman concept of law as an autonomous and objective entity<sup>29</sup>, it is rather important to note that in classical Athens law is shaped by the agonistic features of Society, in which litigation serves as a way to carry out conflicts. Law should not be analysed as an autonomous power, but as dispute-settlement. Litigation is not an attempt to find out the truth according to an autonomous law, but serves to fix the social status of the litigants. It ensues that traditional evolutionary models lose their plausibility for Athenian law which is not opposed to feud, but gives it a new frame<sup>30</sup>. D. Cohen writes:

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<sup>25</sup> TODD (2000) 30.

<sup>26</sup> Cf. TODD/MILLETT (1990) 16; FOXHALL/LEWIS (1996) 2; TODD (2000) 22s.

<sup>27</sup> FOXHALL/LEWIS (1996) 6. Cf. COHEN (1995) 21 and TODD (1996).

<sup>28</sup> Cf. TODD (2000).

<sup>29</sup> The idea that law is autonomous and objective derives from Roman law, cf. TODD (1993) 13; FOXHALL/LEWIS (1996) 6. It has found its strongest expression in the idea of a separation of powers. In opposition, anthropology stresses that politics and law are not separated, but rather belong to a continuum, cf. MOORE (1978) 181-213. Moreover, anthropologists have come to focus on conflict not as an aberration which has to be overcome by law, but as an integral part of social life, see COHEN (1995) 9-24 with further literature. Against this background law does not appear as an isolated entity anymore. Also within legal theory the idea of a separation of powers is not undisputed. It has been questioned by the critical legal studies movement. Cf. for example UNGER (1986) and KELMAN (1987). For the close connection of Athenian law to politics cf. TODD/MILLETT (1990); TODD (1993); COHEN (1995); FOXHALL/LEWIS (1996). See already GEHRKE (1987) 130, who stresses that litigation was a way to carry out vengeance.

<sup>30</sup> See the general critique of evolutionary legal theory by COHEN (1995) 13-18, who gives further literature. Cf. also TODD (1993) 69: «Above all, we should beware of the evolutionary assumption that aspects of Athenian law which appear most alien to us were regarded by the Athenians themselves as embarrassingly “primitive” leftovers, which they were waiting to grow out of as part of some triumphant progress towards a more “modern” system based on the putative yet-to-be achievements of Roman jurisprudence.»



«Litigation, it follows, must not be seen as a separate order phenomenon from the conflicts which engender it, but rather as on a continuum with them... Thus, litigation at Athens, as among the Hagen, should not be judged according to a set of independent norms, but rather as part of an ongoing process that began long before the particular trial and will, with the assistance of the trial, continue into the future. Athenian litigation, together with the injuries and animosities that fueled it and the forensic rhetoric which constituted it, should be studied as part of the agonistic process by which the parties seek publicly to define their relations to one another.»<sup>31</sup>

This approach to Athenian law sheds new light on the process in *Eumenides*. If law was not autonomous, but part of Athenian politics, Apollo's and the Erinyes' promises and threats can not be condemned as irrelevant arguments and attempts at corruption. They are just an expression of the natural connection of law to politics. As C. Pelling points out, they are parallel to "the stress in real-life trials on the good the accused can do for the state if he is acquitted"<sup>32</sup>.

The reason Athena gives for her vote is not problematic anymore, since there is no autonomous law which can be infringed upon by her subjective motivation. Moreover, her decision is in accordance with the aim of Athenian law to protect the polis. The female has proved a serious threat to social security in the two first plays of the *Oresteia*<sup>33</sup>. The function of the male as guarantor of social security is explicit in Athena's words, 739s.:

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

It has been claimed that the idea of an autonomous law is undermined since the conflict is not settled by the process. If we take into account the role of law as one means among others to carry out conflicts, the development after Orestes' acquittal is not questionable anymore. Here, as in real Athens, the conflict is not restricted to litigation. We have also noted that in Athens law was an important mechanism to regulate social status. The agonistic society is mirrored in the Erinyes' emphasis on their honour<sup>34</sup>. Finally, lack of any references to laws in the process, which should have made modern scholars suspicious, agrees with the general feature of law in Athens, with which we have dealt above.

To sum up: Those elements which do not fit the thesis of the development of autonomous law out of vendetta have been shown to be essential features of Athenian law. This conclusion has been reached by the insight of new studies of Athenian law which draw on legal anthropology. The new interpretation of

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<sup>31</sup> COHEN (1995) 22s.

<sup>32</sup> PELLING (2000) 175. Cf. TODD (2000) 23s. on the importance of liturgies as argument in court.

<sup>33</sup> Cf. GAGARIN (1976) 88-103, who concludes (103): «It should by now be clear that this final argument is in no way irrelevant; in fact it is directed at one of the central concerns of the trilogy, the clash between male and female forces and values.»

<sup>34</sup> See for example 227, 324, 490-565, 747, 780=810. Cf. MACLEOD (1982) 139s.

*Eumenides* is an example for the way that history of law can be necessary for a historically sound interpretation of a literary text. *Eumenides* has been misinterpreted for a long time due to an anachronistic idea of law.

3. In an outlook, I would like to hint at another possibility to make sense of the Erinyes' and Apollo's antagonism. It helps to refute another widely held interpretation of *Eumenides*. The reading of *Eumenides* which signifies it as a development from vendetta to law is often accompanied by the opinion that the Erinyes represent the old aristocracy and Apollo/Orestes the new democratic society. The end of *Eumenides* is interpreted as the integration of the old aristocrats into the democratic polis. This approach reads *Eumenides* as a reflection on the political struggles which led to the assassination of Ephialtes<sup>35</sup>. Its allegoric interpretation is highly speculative<sup>36</sup>. It supposes that *Eumenides* is a commentary on recent political developments. This can not be excluded from the outset, but it is not very likely due to tragedy's normal distance to political events. *Eumenides* lacks the clear marks which such a reference needs in order to be conceived in the heroic vagueness of tragedy<sup>37</sup>. After deconstructing closely political readings of the *Oresteia* Macleod concludes: «The tragedian is influenced by his time and circumstances; but they are an influence on the work, not the meaning of it»<sup>38</sup>.

Instead of an allegoric reading, I would like to focus on the reception and take into account preconceptions of the audience. Taking a brief look at some metaphors I will claim that Apollo's character was likely to be modelled after the aristocratic knight by the audience. As Aristophanes' *Equites* and other sources reveal, there was a cliché of the knight in 5th-century Athens: he was aristocratic, young, and arrogant<sup>39</sup>. Apollo is repeatedly called young by the Erinyes, he sneers at the

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<sup>35</sup> NICOLAI (1988) 49s. writes: «Während die auf strenge Vergeltung bedachten Erinyen offensichtlich den rigiden law-and-order-Standpunkt der alten Aristokratie (und damit zugleich Spartas) repräsentieren, dürfte sich in Apolls Milde gegenüber dem Muttermörder die liberalere, permissive Rechtsauffassung der jungen Demokratie spiegeln. Athenes Schlichtung ist demnach zweifellos als Plädoyer sowohl für eine friedliche Form der Konfliktlösung...wie für die mittlere Linie eines Kompromisses zwischen Adel und Demos gemeint...» Cf. LIVINGSTONE (1925); FORREST (1966) 215; BRAUN (1998) 153-166.

<sup>36</sup> See DOVER (1957) 236s. against allegoric interpretations.

<sup>37</sup> The term "heroic vagueness" has been coined by EASTERLING (1997) to stress the distance between tragedy and contemporary reality. For the tension between heroic vagueness and contemporary reality in tragedy cf. GRETHLEIN (2003) 34-41.

<sup>38</sup> MACLEOD (1982) 144.

<sup>39</sup> Youth: see for example Ar. *eq.* 730s. und 269s. Arrogance: see Ar. *Lys.* 24, 11, *vesp.* 134s., 1249ss., Dem. 18, 329; [Dem.] 42, 24. For the characteristic features of Athenian knights see BUGH (1988) and SPENCE (1993) 191-202. In this context also the sophistic features of Apollo's speeches are significant, since it was especially the young aristocrats who were educated by sophists, cf. BUXTON (1982) 18s.

Erinyes and his behaviour is insolent<sup>40</sup>. Of course, these parallels do not suffice to establish that the audience received Apollo according to the model of the knight. As I pointed out, such a reference within the heroic vagueness of tragedy must be clearly marked.

The indication which makes the parallels significant is the application of horse imagery to Apollo. Enthusiasm for horses was characteristic of knights. Only rich Athenians could afford to care for horses<sup>41</sup>. In *Eumenides* the Erinyes complain four times that Apollo has “ridden” them or the laws “down”, 150:

Young as you are, you have ridden us down, aged divinities...

731:

Since your youth is riding down my venerable age...

778s.=808s.:

Ah, you younger gods, the ancient laws  
you have ridden down...

Four points suggest that the riding metaphor evokes the model of a knight: firstly, the context of the metaphor in 150 strengthens the horse imagery, 155-161:

To me in my dreams there came reproach,  
and smote me like a charioteer  
with goad grasped in the middle,  
under my heart, under my vitals.  
It is mine to feel cruel, most cruel,  
the sting of the public scourger's cruel lash!<sup>42</sup>

The phrase *mesolabei kentroi* (157), which refers back to Klytaimnestras *antikentra* (136), and *mastiktoros / daiou damiou* (159s.) draw on horse imagery<sup>43</sup>.

Secondly the word *kathippazein* is not only rare<sup>44</sup>, but these are also the only instances of its use in Aeschylus. This makes its use significant.

Thirdly, in all four cases the complaint about Apollo's “riding down” is embedded into the dichotomy old-young. This helps to evoke the cliché of knights which is based on young men.

<sup>40</sup> Already v. WILAMOWITZ-MOELLENDORFF (1910), 248 has compared his behaviour to the cliché of young aristocrats: «Er benimmt sich wie ein trotziger Junker, der eigentlich zu gut ist, mit Gegnern niederen Standes vor Gericht zu streiten...» Cf. GROENEBOOM ad 644-651.

<sup>41</sup> Cf. BUGH (1988).

<sup>42</sup> FOWLER (1967) 68s. stresses Apollo's force, PETROUNIAS (1976) 285 focuses on the Erinyes' pain. For horse imagery in general see DUMORTIER (1935) 56-70, 230s. and in *Septem* CAMERON (1971) 74-84.

<sup>43</sup> The *kentron*-metapher is also referred to Apollo by Orestes in 465s.: And together with me Loxias is answerable;/ for he warned me of pains that would pierce my heart (*alge prophonon antikentra kardiai*).

<sup>44</sup> Cf. the use in a military context in Hdt. 9, 14.

Fourthly, the arrogance, which is expressed in the metaphor of “riding down”, is another central feature of the cliché of the knight.

To sum up: a strikingly dense web of riding metaphors refers to Apollo. In connection with the emphasis on Apollo's age, his arrogance and his consciousness of the “social” gap between himself and the Erinyes it is likely that the horse references evoke the image of the young insolent knight. I suggest that in the process of reception Apollo's character was modelled after the cliché of a young knight. In opposition, his adversaries, the Erinyes, at whom he sneers, appear as poor and ordinary. This impression is supported by their complaint that they are not sufficiently honoured. Giving up the allegoric approach and taking into account the preconceptions of the audience instead, we arrive at a new understanding of the juxtaposition of Erinyes and Apollo. If Apollo is conceived against the background of a young aristocratic knight, it is impossible that he represents the new democratic order, while the Erinyes stand for the aristocracy which dominated the old Areopagus.

These considerations can be developed to a more general point on tragedy and politics. Allegoric readings do not do justice to tragedy's distance from contemporary reality. It is more fruitful to start with the reception. In my interpretation, I have taken into account the patterns by which the audience constructed the characters.

A three-folded model gives us the frame in which contemporary reality plays a role in the reception of tragedy<sup>45</sup>: firstly, the reception can be directed to the level of performance. Here the focus is on the frame of theatre. Secondly, the play can be made sense of inherently. Then the reception focuses on the level of dramatic action. Lastly, the audience can make sense of the action by referring it to its own reality. In this case the action is understood against the background of extra-dramatic experiences. It is on this level that the audience could model Apollo's character after the image of the contemporary knight.

Let me conclude: starting from the text of *Eumenides* I have tried to give evidence that there is neither the juxtaposition of two different legal orders nor the idea of an autonomous law in the end. In a second step I have argued that the idea of law in *Eumenides* closely corresponds to some recent attempts to reconstruct the features of Athenian legal thinking which have been inspired by legal anthropology. Especially the discussion of the close connection of law and politics has proved illuminating. Thirdly, another interpretation of the juxtaposition of Apollo and the Erinyes has been given. I have argued that horse references evoke the image of a young knight for the reception of Apollo. This audience-oriented approach is to be preferred to an allegorical interpretation as a concept for tragedy's relation to reality.

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<sup>45</sup> This system has been developed for French drama by MATZAT (1982). For an application to Greek tragedy see GRETHLEIN (2003) 34-41.

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