

# Sacrificing Justice

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## Suffering Animals, the *Oresteia*, and the Masks of Consent

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Aeschylus' *Oresteia* is a key text that reveals the scapegoat mechanism underlying our received notions of wisdom, consent, and human exceptionalism. The trilogy foregrounds the importance of legitimate procedures for ending the cycles of retributive clan violence which preceded the polis, but behind this proceduralism hides the violence of sacrifice. The old world of vendetta justice is superseded by a juridical violence that obscures its brutality by selectively targeting nonhuman animals, and by fashioning an imaginary procedure whereby these sacrificial victims consent to their deaths. This provides a paradox for contemporary democratic theorists who return to Greek tragedy for inspiration. Tragic political theory resists current orthodoxy by tempering liberal projects of mastery with an awareness of the woundedness that haunts the human condition, yet it is complicit in producing suffering in nonhuman animals while simultaneously repressing awareness of this violence.

The *Oresteia* has been at the forefront of a number of scholarly debates recently, and is especially important because of its influence on the political thought of ancient Athens as well as its educational role in training the spectators of tragedy to become more self-critical citizens.<sup>i</sup> Tragedy more generally is now taken to be a crucial institution of Athenian democracy, and Peter Euben, Sara Monoson, and Josiah Ober, among others, have made the broader case for the relevance of the ancient theater to our contemporary reflections on the nature of democratic citizenship.<sup>ii</sup> Indeed, it has been claimed that the *Oresteia* is quite singular in this regard among the extant tragedies since what we see in the trilogy is nothing less than the emergence of civilization itself, where the play “exemplifies democratic efforts at political judgment in difficult circumstances marked by conflicting imperatives... [and] legal institutions come to replace blood feuds.”<sup>iii</sup> The institution of the jury trial at the conclusion of the trilogy not only ends the cycle of violence begun in the House of Atreus, but creates an entirely new form of justice that becomes synonymous with the polis itself.<sup>iv</sup> Democratic politics enables a new appreciation of the capacity for unity to include difference, and is imagined as the solution to the violence of the Homeric world that preceded it with its aristocratic notion of justice<sup>v</sup> as “helping friends and harming enemies.”<sup>vi</sup>

As we see through the lens Aeschylus provides us, this traditional notion of justice, a version of the *lex talionis* (“an eye for an eye”), leads to a world that cannot escape from bloodshed because each new act of justice itself enacts a violence that brings forth a new round of avengers. This cyclical movement of vengeance has no point of cessation and can go on to infinity since justice in this world is inseparable from strife and warfare – conflict is not the antithesis of justice, but rather its cause (and background condition) as well as its effect.<sup>vii</sup> But Aeschylus shows us how such a cycle can be stopped. What he celebrates as the triumph of Athenian ingenuity, the law court of the Areopagus, is something that encompasses conflicting conceptions of justice and which can adjudicate between these rival claims by: a) securing the prior consent of the parties to a public proceeding that itself claims to be authoritative,<sup>viii</sup> and b) ensuring that the judgment is lasting by giving each side, even the losing one, a degree of respect and recognition that reduces the likelihood of extra-procedural vigilantism.<sup>ix</sup>

This is an attractive vision of justice, to be sure, as it maintains a subtle and textured relationship to ambiguity and difference not often achieved even in our liberal polities. To paraphrase Peter Euben, it is so attractive because, like the framework of Truth and Reconciliation Commissions, it seeks to grant both parties their due by giving honor even to the side which it chooses against.<sup>x</sup> But as I shall seek to explore here, this honoring-in-choosing-against is accompanied by an underlying violence that hides precisely in the interstices created by this ambiguous honoring. How is this so? Thoughtful readers of Aeschylus like Peter Euben and Simon Goldhill<sup>xi</sup> enable us to see the very real losses that triumphalist readings of the *Oresteia* cover over, by grounding their own readings in the continuing importance of Aeschylus’ famed *pathei mathos*, the suffering that births wisdom.<sup>xii</sup> Suffering in a just city is “the foundation for a model of political thought and judgment alert to the meaning of human power *and* mortality” and as an institution “tragedy maintains the suffering necessary for wisdom” because our wisdom is necessarily faulty to the extent that it becomes complicit in the obliteration of

pain, grief, and the memory of loss.<sup>»xiii</sup> Tragedy's role in this project of civic education is likened by Euben to the actual deaths meted out to domestic animals in the sacrificial rituals, in that tragedy seeks to trouble civic identity by highlighting "the discrepancy between poetic vision and political realities...in the same way that Greek sacrifice joined festive joy with the horror of death."<sup>xiv</sup>

This horror of death, both in the normal Greek religious ritual as well as in the production of tragic theater, depended upon the actual killing of living beings. If Euben is correct about this civic function of tragedy, the effectiveness of the tragic spectacle depends on the killing of beings similar enough to the audience that it evokes acute, visceral, horror in them. I will argue that this confrontation with horror is often complicit with a fetishization of animate death, both human and nonhuman, and that this fetishization continues to shape a host of social and political practices. In what follows I ask whether there is not something troubling about explicitly praising the Greek tragedies in light of their use of the Greek ritual of blood sacrifice. What does it mean to praise a practice for its complexity, texture, ambiguity, sensitivity to difference, and resistance to totalization, by comparing it to rituals that required pain and blood from nonhuman animals? Is it significant that these animal victims are marked by their silence and powerlessness?<sup>xv</sup> Where does wisdom cross over the thin line that separates acknowledging the woundedness of the human condition, to a political order that actually constitutes itself in and through the production of suffering?

The problem, in short, is that contemporary theorists who rely on suffering as a necessary antecedent find themselves endorsing not just metaphorical sacrifice but also the literal sacrifice of living beings.<sup>xvi</sup> I will argue that this echoes the quest for the *epithusias*<sup>xvii</sup> that we see in the *Oresteia* – the "final sacrifice" of Greek ritual that restores order. It is not simply that the sacrificial animals in the concluding processional of the *Eumenides* (which may have actually occurred onstage in the ancient performances, the killings carried out "live")<sup>xviii</sup> consummate the overturning of the "corrupted sacrifices" from earlier in the play;<sup>xix</sup> rather, the Furies *themselves* are sacrificed as part of the "third libation" that is necessary to the resolution of the moral and political problem of violence.<sup>xx</sup> What is more, this final sacrifice can only be effective – can only serve as "the act of violence that will bring the violence to an end" – if the victims themselves cannot or will not be avenged.<sup>xxi</sup> How can such a stringent condition be met? This, as I shall seek to argue, is the achievement of sacrifice as an institution, for which there are two crucial desiderata: 1) the victim either consents or is guilty beyond any possible dispute so that no one seeks to avenge its death, 2) the victim is suitably akin to the "real" human perpetrator, the one who has committed a crime that others seek retribution for, to stand in as a substitute.<sup>xxii</sup>

These two criteria are met by displacing victimage as an institution, by making sure that victims are readily available but that they are not pulled from any community that could ever bring suit or pursue a vendetta. The Furies, I will claim, enjoy membership in such a community, though this is not necessarily a status to be coveted. But for "prosperous human communities" to endure they require something akin to certainty that both desiderata will be met in semi-perpetuity, particularly the first aspect, which I will term "invengeance" to indicate the inability (broadly construed) of the victim-group to be avenged. To be certain that such killing will not bring any challenge the Greeks, and we their heirs, have had recourse to a most serviceable category: those

beings designated as nonhuman, whether as “animal” (*zoon*) broadly construed to mean “animals as opposed to humans” or “beast” (*ther*) or as named by their species (and therefore as always distinguished from humans/*anthropoi*). To be nonhuman is therefore to be classified as an invengeant, which also means that such a being is qualified to be sacrificed.

As Rene Girard has noted, it is also crucial to the effectiveness of sacrifice as an institution that the origins of the violence of the practice be hidden. For Girard this is because the violence is almost entirely arbitrary in terms of the victim selected, yet if this arbitrariness is recognized by the group then the sacrifice fails in its purpose.<sup>xxiii</sup> The blood sacrifice of nonhumans thus partakes of the obscurity necessary to the “scapegoat function” that Girard describes. It appears on the surface that nonhumans in the normal Greek ritual, and the Furies in the *Oresteia*, are selected with good reasons (consent, guilt, etc.), but this rationality is only part of the story, as I will demonstrate. There are particular qualities about the Furies that indeed make them desirable to exile or sacrifice, especially the vampiric joy they direct at Orestes that seems out of all proportion with their function as the incarnations of retributive justice: “all blood sucked from your body till it’s nothing but death’s vaporous feedbag, . . . calf fattened all for me, my living feast, my calf not butchered first over any altar?” (Ag. 346-8, 350-1).<sup>xxiv</sup> While the domestic animals usually sacrificed by the Greeks did not display the bloodlust and savagery that Aeschylus attributes to the Furies, the chaotic admixture of bestial and divine in them makes their continued untamed presence in the polis a source of pollution. Aeschylus shows his audience good reasons to target these avatars of unchecked aggression as a particular site of danger for the continued peace of the community.

This aspect of their retribution, the chaotic bestial longing to slake their thirst with their victim’s blood, would seem to be repudiated by the evolution of justice that emerges from the trial’s conclusion.<sup>xxv</sup> But while repudiation is indeed present it is not so much of substance but rather of style (and this is where the arbitrariness described by Girard comes into play). As R. P. Winnington-Ingram has forcefully argued, Zeus and the Furies work together throughout the trilogy. While the Furies in the *Eumenides* rail against Apollo (and even Athena to some extent), it is not the case that their initially narrow interpretation of justice is fundamentally refuted by the conclusion: “But since, at point after point the poet has insisted that Erinyes are ministers of the justice of Zeus, it follows that our conception of that justice and that god must be correspondingly affected. . . the Erinyes have transferred their sphere of operation from the clan or the family to the city-state. . . they have come to represent that element of force and fear without which no society yet known to men can be maintained. . . Fear is not banished; retribution is not banished.”<sup>xxvi</sup> What is rejected then is not so much their function as avengers or punishers but their prior narrow interpretation of justice.

Why then has it been so common to for commentators to argue that the *Oresteia* is a progression from darkness to light, from barbarism to civilization?<sup>xxvii</sup> This is where the Girardian sleight-of-hand occurs. The solution to the trilogy partakes of the very brutality it seems to expel, but it does so by ending the reign of “rigid Fury” (Ag. 78) in the name of the substitution of persuasion and civilization over force and barbarism. For its success in this operation it requires that the qualities that seem so dangerous are projected externally onto a group (the Furies) that can then be excluded from society (as the Furies must go down into a “vast cavern deep in this land of justice” (Eu. 934-5). The

community needs to exercise fear, force, and violence to maintain itself, but also needs to seem like it does not do so in the manner of the old world of the Atreidae. It is due in part to the skill of Aeschylus' dramatic art, and in part his use of the scapegoat mechanism noted by Girard, that critics have so frequently missed the continuities between the world of the *Agamemnon* and the world of the *Eumenides*. Aeschylus does not completely hide all of this, of course, since Athena and the Furies state quite plainly that the fear and punishment will continue in the new Areopagite Athens. But the trilogy ends on the triumphal note of a torchlit procession, complete with animals in train and animals (possibly) being sacrificed. Is it too much to suggest that though Aeschylus has pulled back the curtain on the violent foundation of the polis a bit earlier, he is now engaged in a covering action that uses precisely a sacrificial operation (real sacrifice of live animals, metaphorical sacrifice of actor-Furies) to induce a repression of the knowledge of violence in the audience?<sup>xxviii</sup>

So Aeschylus requires that the Furies maintain some of their old functions but they are also sent underground – expelled in a sense – and sacrificed. They embody traits necessary for the survival of the polis, but those traits also represent a fundamental threat to the stability of the community. This then is the problematic solution to political violence that the *Oresteia* crafts: its resolution is indeed complex and ambiguous, as Goldhill, Euben, Winnington-Ingram, and others have noted. But what needs exploration is the way the trilogy continues its sacrificial structure all the way through to the conclusion. This sacrifice is all the more effective for the way it covers over its sacrificial aspects in its use of consent, juridical reason, and plurality-in-unity to resolve the dangers that radically different visions of justice create for the polis. And animals, real and metaphorical, are crucial to the operation of this resolution.

### ***The Longing for Proper Sacrifice***

The chorus of the *Agamemnon* states the problem that characterizes this gloom; the people of Argos live under the reign of Fury. They recognize living within a cycle of endless violence as their fate, but nevertheless mourn that they are not able to escape its tyrannical rule: “And neither by singeing flesh/ nor tipping cup of wine/ nor shedding burning tears can you/ enchant away the rigid Fury” (Ag. 75-9). Notice that of the three attempts to conjure away this violence, the first two are acts of religious supplication to the gods – the sacrifice of animals and the pouring out of libations. Neither in the tears of the sufferer, nor in the conventional acts of religious ritual, can the tragic violence of the heroic world be abated. It is as the chorus says, “And now it goes as it goes/ and where it ends is Fate” (Ag. 73-4). This problematic marks the path of the drama from beginning to end – not only are we trying to escape the world of Fury, but Aeschylus specifically dramatizes the failure of sacrifice as an institution to solve this dilemma. The narrative arc of the *Oresteia* is a succession of failed sacrifices: we see in turn Agamemnon's sacrifice of Iphigenia (though formally outside the action of the play), Clytemnestra's sacrifice of Agamemnon, Clytemnestra's libations to supplicate the ghost of Agamemnon, Orestes' killing of Clytemnestra and Aegisthus (described by Orestes as a sacrifice), Orestes' purification via pigs' blood, and finally Orestes' flight as a suppliant from Delphi to Athens. Each actor tries to dam the flow of the blood-drenched tide through a sacrificial act, but each in turn fails – as the chorus in the *Agamemnon* had already (fore)told us.<sup>xxix</sup> Aeschylus frames the action of the trilogy around these failure, and by placing the

seemingly-justified Orestes within the Furies' crosshairs, invites his audience to identify with the one hunted as the Furies chase down Orestes. The spectators see the blood-drenched world and dream of how it might be otherwise just as the Chorus of the *Agamemnon* and Orestes himself long for the one sacrifice that will be successful, that will end the torrent of violence once and for all. Like Clytemnestra and Orestes, they hope that the latest act of violence, if done properly, can be the concluding sacrificial act (*epithusias*) to "set the house in order once and for all" (Ag. 1708), as Clytemnestra wishfully concludes the *Agamemnon*. Sacrifice is not simply an attendant or handmaiden to justice, but is inseparable from justice itself. Justice requires sacrifice, but sacrifice "rightly understood," which unfortunately (for her) eludes Clytemnestra.

We spectators can know what she does not know, can never know. The choral lament dramatizes the gap between the expectations of the suppliant and the harsh reality that they must instead face, as the only practices that secure human access to the divine are themselves powerless in the face of violence incarnate. Aeschylus, the reputedly stodgy champion of the old heroic morality,<sup>xxx</sup> shows us more than anyone why the heroic ethos is fatally flawed.<sup>xxxii</sup> He does so in part by giving us such a detailed description of three failed sacrifices that power this text: Iphigenia, Agamemnon, and Clytemnestra. Finally, the Furies themselves want to sacrifice Orestes in order to atone for his matricide, and from their attempt to sacrifice Orestes the final resolution will emerge, though it occurs through a paradoxical reversal (one of many in the text). Anne Lebeck is correct to note that in the *Eumenides* "the fate of victim and avenger fuse. The Erinyes, who threaten transgressors with darkness and dishonor, themselves face loss of honor, dwell in darkness," though she does go quite not far enough in recognizing just how fully the Furies must become victims in order to become Eumenides.<sup>xxxiii</sup>

Clytemnestra's subtle goading of Agamemnon (to walk across the tapestries, invoking divine wrath against his overweening pride) is in a sense superfluous: she has already decided to kill her husband and has planned the scenario in elaborate detail. We might be tempted to ask why there is a need for the extensive pomp that accompanies her murder. Is she just reveling in her intellectual mastery of her husband, heightening the depth of his fall by claiming to grant him a quasi-divine elevation?<sup>xxxiii</sup> Something of this is surely going on, but Hugh Lloyd-Jones seems closer to the mark here in that he maintains that Agamemnon is both guilty and innocent in Iphigenia's murder, and that this ambiguity cannot be eliminated by recourse to Agamemnon's perverse mental state: he is indeed culpable, since he has killed his own daughter and since even divinely induced *ate* (madness) does not excuse the one who acts under its sway; he is also innocent, since he is acting according to the dictates of Zeus, who demands that Paris and the Trojans be punished for violating the laws of hospitality.<sup>xxxiv</sup> Yet the actions of both Clytemnestra and Agamemnon are redolent with the themes already announced by the Chorus earlier in the play, and here Girard's sacrificial frame can help bring so clarity to the episode. In that Clytemnestra requires that Agamemnon ritually sin (walking on the tapestries) as the precursor to his death, she is in fact enacting one of the moments in the Greek practice of animal sacrifice that seems most contradictory and absurd to the modern eye.

The Greek ritual of animal sacrifice calls for a victim that will be both assenting and guilty: ideally the guilt is produced through the symbolic violation of the sacred order, though the victim can also simply assent to being killed (as a voluntary acknowledgement of the need for someone to die in order for gods to be propitiated and the community preserved). As Walter Burkert tells us this “comedy of innocence” could begin in a number of ways, one of the more common being the placing of grain in a sacred space around the altar.<sup>xxxv</sup> When the sacrificial victim not surprisingly wandered over into this region to eat the grain, it was seen as having committed a crime by transgressing on ground hallowed for the gods, and thus as “guilty” it could be legitimately killed. While this may seem an odd or incidental portion of the ritual Burkert tells us that the multiple instantiations of this comedy were rather common, and thus Aeschylus could draw on this aspect of Greek religion<sup>xxxvi</sup> to bring additional resonance to his text.

What deserves emphasis here is that, in addition to the Chorus’s earlier lament about the failures of sacrifice as an institution, the killing of Iphigenia is not only described as a *proteleia*, the preliminary sacrifice usually performed before marriage, but Iphigenia herself is described as a sacrificial animal: “Hoist her over the altar/ like a yearling” (Ag. 230). Clytemnestra will repay Agamemnon’s killing of her child with a sacrifice of her own, replacing the virgin with the king entrapped in a net of robes<sup>xxxvii</sup> as a direct response: “He thought no more of it than killing a beast/ and his flocks were rich, teeming in their fleece/ but he sacrificed his own child, our daughter” (Ag. 1440-1). She offers Agamemnon’s death in the context of the “third libation”<sup>xxxviii</sup> as a sacrifice to three “gods” – the violated right of Iphigenia, Ruin, and Fury (Ag. 1459-60), and orchestrates from beginning to end the set of libations, animal victims (killed earlier in the *Agamemnon*) and murder of Agamemnon and Cassandra as a complex but unified sacrificial drama.<sup>xxxix</sup> It is in this context that we should consider Agamemnon’s treading on the purple tapestries at (Ag. 932 ff.), which he initially resists for fear of bringing the wrath of the gods as well as because it smacks of “barbarian peacocking out of Asia” (Ag. 913). Clytemnestra goads him by appealing to his ideals (ironically?), his vanity, and even perhaps his hubris, though it seems from his comments that Agamemnon concedes in part to please or mollify her. Perhaps he believes that by acceding to her demands he in some way answers for killing Iphigenia, since he is clearly thinking of her in this colloquy when he refers obliquely to the need to violate principles “if a prophet called for a last, drastic rite” (Ag. 929).

Whatever the motivation, he eventually agrees and walks across the sacred tapestries.<sup>xl</sup> When Clytemnestra gains Agamemnon’s willing complicity she is not merely revealing the underlying flaws of his character; she is carrying the sacrificial ritual through to its logical conclusion. What strikes the modern eye as absurd, and what leads to the convoluted attempts to explain Agamemnon’s actions in terms of his stupidity or hubris, is also what is likely to cause us to misread what Aeschylus is showing us here. The comedy of innocence that is part of the normal structure of sacrifice seems ridiculous; no animal can really be said to be “guilty” in any real sense of the term, and we look askance at the Greeks when they feel the need to make the victim somehow complicit (willing, guilty) in its own death. Yet this is as much part of the ritual as anything else, and in many ways it is the most essential piece of the

process. Without this compliance, the victim dies a death that itself calls for vengeance and that will raise the Furies in its wake, as the Chorus in the *Agamemnon* laments, “Justice brings new acts of agony, yes, on new grindstones Fate is grinding sharp the swords of Justice. . . Each charge meets counter-charge. None can judge between them. Justice. The plunderer plundered, the killer pays the price” (Ag. 1564-5, 1588-1590). But with Agamemnon’s consent to incur guilt by walking across the tapestries Clytemnestra hopes that his violent death can be transformed from murder into sacrifice; Fury would not be aroused, and normal life is then made possible. Clytemnestra herself points to this rationale as a justification for her actions: “But I will swear a pact with the spirit born within us. I embrace his works, cruel as they are but done at last, if he will leave our house in the future, bleed another line/ with kinsmen murdering kinsmen. Whatever he may ask. A few things are all I need, once I have purged our fury to destroy each other – purged it from our halls” (Ag. 1595-1604). The Queen is engaged in the “first stage” of requital for murder, according to Zeitlin, in which order can only be restored by shedding the actual blood of the murderer.<sup>xli</sup>

As I shall argue, gaining this assent by the final victims of the trilogy, the Furies themselves, will be requisite to complete a sacrifice that meets with the requirements of the piety and which can restore order to the community. Agamemnon’s ritual transgression is thus no more superfluous or “merely” ceremonial than is the eating of barley by the sacrificial cow. Both have to assent and incur guilt, and we should not focus on either the absurdity of the cow’s guilt or the baseness of Agamemnon’s moral choices.

As Clytemnestra sacrificed Agamemnon, so too will Orestes kill his mother in the hope that her death will be the final sacrifice (*epithusias*)<sup>xlii</sup> to tame Fury. I will have relatively less to say about the actual text of the *Choephoroi* given that Orestes’ killing of Clytemnestra is not as overtly sacrificial as the deaths of Iphigenia and Agamemnon. Zeitlin notes that the *Choephoroi* has substantially fewer references to sacrificial imagery than either of the other plays, though the few occasions are significant. First, sacrifice still forms a central part of the worldview of the characters in the play, as Clytemnestra has Electra offering sacrifices and libations at Agamemnon’s grave as the play opens. Second and more importantly, the one occasion that Aeschylus uses the verb *sphaxai*, to sacrifice, is when Orestes overcomes his indecision and takes Pylades’ (and Apollo’s) advice to finally kill Clytemnestra. Fagles translates this as: “I want to butcher you – right across his body” (Ch. 904), but he uses the less literal notion of butchery or slaughter to translate a word that properly means sacrifice. Zeitlin concedes that the word has “almost. . . but not quite” lapsed into the more neutral meaning,<sup>xliii</sup> but given the importance of sacrifice in the context of the trilogy as a whole it does not seem inappropriate to link Orestes’ desire to kill his mother with the set of other perverted sacrifices – Iphigenia, Agamemnon, Cassandra, that drive the plays’ action. It would also seem that the Chorus continues the general sacrificial theme though without directly using the terms for sacrifice, since at several points (the last at Ch. 835-6 ff.) they describe Orestes’ task in terms of washing away the blood of Agamemnon with “the fresh-drawn blood of Justice. . . wipe out death with death (Ch. 805, 837). It is difficult to see how this particular statement of the *lex talionis* is not also linked with the sacrificial worldview,



and it forms a bridge from the welter of sacrifices in the *Agamemnon* to Orestes soon-to-come declaration of sacrificial longing hurled at his mother's face, which will then lead to the sacrificial resolution in the final work.

### ***Justice as Sacrificing Fury***

This brings us to the *Eumenides*, and to the solution to violence that it offers. It is frequently argued that Aeschylus is giving us a new kind of hero in the finale of the trilogy – here the polis emerges as the true subject of the play, as it and not Orestes or any of the other characters brings to a conclusion the irremediable cycle of violence.<sup>xliv</sup> Athena and the Areopagus substitute impartial justice for the partiality and passion of Apollo and the Furies, and the novel establishment of a trial court in effect shows the public sphere to be the necessary resolution to private violence. Without it there can be no end to bloodshed, as the *lex talionis* always requires new blood in order to cleanse the blood spilled before. Yet what appears a bloodless victory through *peitho*, the persuasion that Athena uses to transform the Furies, is in fact less an escape from sacrificial bloodletting than it is a metaphorical re-instantiation of the sacrificial economy by different means. Aeschylus insists, ultimately, that animal sacrifice will bring about the longed-for resolution to the bloody violence of the house of Atreus. The finale of the trilogy is shot-through with imagery that ties the Furies to predatory beasts (who are not typically the subjects of sacrifice in Greek ritual), but there are a number of places where the poet's imagery ties the Furies/Eumenides directly to the domestic animals of the sacrificial rite. Furthermore, the dramatic action that closes the play, in which the transformed Furies are led to an underground chamber where they will hence dwell, itself enacts an entombing of these goddesses. Finally, the much-celebrated persuasion of the Furies, and the recognition that they seem to win from Athena and Athens itself, is nothing else but the culmination of the comedy of innocence that grounds the Greek practice of sacrifice.

The images of the Furies directly depict them as ravenous, bloodthirsty monstrosities: woman, bloodhound, Gorgon, and goddess wrapped in one, and they are not so much one particular kind of animal as they are a polluted, ever-shifting mixture.<sup>xlv</sup> They are indirectly likened to predatory animals via the actions and desires ascribed to them, particularly if we keep in mind the numerous occasions on which they talk of drinking human blood. They taunt Orestes in the *Eumenides* by describing him as a sacrificial victim meant for them, but one whom they will eat raw as would a wild beast of prey: “out of your living marrow I will drain my red libation, out of your veins I suck my food, my raw, brutal cups...you'll feast me alive, my fatted calf, not cut on the altar first” (Eu. 265-6, 304-5). They are also quite directly linked with domestic animals destined to be sacrificed, as when the Chorus of Furies is heard for the first time in the *Eumenides* – in one of the rare places that stage direction occurs in Greek drama Aeschylus has them say “*mugmos*” (Eu. 117) twice. This is usually translated as “muttering” but it is also the Greek equivalent of “moo” – the Furies are effectively likened to cattle while they are sleeping.<sup>xlvi</sup>

How can it be demonstrated that the resolution of the play depends upon the actual sacrifice of the Furies, rather than their cooptation into the new order? First consider the prevalence of the sacrificial theme to the trilogy as a whole, as Zeitlin, Burkert, Euben, and Heath have argued for. If they are correct that “restoration” of

the *ololugmos*<sup>xlvii</sup> and proper sacrifice is so central to the solution of the Eumenides, then we must wonder how this is actually achieved if the Furies *are not* sacrificed, but instead are merely the *objects* of the final sacrifice of the *Eumenides*. Are they being propitiated, or are they the means of bringing propitiation? Anne Lebeck tells us that the dramatic economy of the plays works by turning avengers into victims.<sup>xlviii</sup> We know that the Chorus in the first play laments that their normal blood sacrifices are ineffective, and we then see the failure of sacrifice dramatized as Clytemnestra and Orestes each attempt to bring order and peace to their house via further bloodshed but fail. Both of these characters offer traditional sacrifices in the wake of killing their family member, but these rites (at the beginning of the *Choephoroi* and *Eumenides*, respectively) are as ineffectual as the Chorus' initial lament would have led us to believe.

How then can the *ololugmos* be said to be restored? There are various ways that scholars have answered this. For Heath it is that “the beast within must be isolated and relegated to its proper role in the state” and that this occurs by the Furies being separated from their previous bestiality – “at the end of the trilogy and for the first time, beasts may simply be domestic animals firmly ensconced in the polis” rather than metaphorical carries of the contagion of violence.<sup>xlix</sup> For Zeitlin the restoration occurs because the Furies are reconciled, transformed, and cured by Athena's persuasion.<sup>l</sup> I think there is something to both of these proposals, but we can go farther if we combine them by connecting *peitho* and putting “the bestial in its proper place.”<sup>li</sup> I agree with Heath that Aeschylus needs beasts to return to their normal function, as animals for the use of the polis, and being available for sacrifice is one their primary uses. But we have also seen that the Furies are themselves bestial. Yet interpreting this as a story about the efficacy of “civilization” triumphing through Athena's *peitho*, as Heath, Zeitlin, and others do, misses something important. Why? We know 1) that Athena's *peitho* is hardly innocent of violence, since she openly marks her access to Zeus' thunderbolt, 2) that it partakes of a trance-inducing “white magic” no less than the Furies' song,<sup>lii</sup> 3) that *peitho* is a part of the sacrificial ritual's comedy of innocence in which the animal consents. And *peitho* itself cannot be the solution by itself since the plays have also dramatically demonstrated that *peitho* is as liable to corruption as sacrifice: “miserable Persuasion” (Ag. 385)<sup>liii</sup> too fails to attain an enduring resolution and needs redeeming no less than the corrupted sacrifices. But the proper sacrificial ritual includes persuasion, as I have noted, so we can see that the way out that Aeschylus provides is through a restoration of sacrifice that requires that the victims actually consent – and this is exactly what he shows his audience. The Furies provide a unique opportunity for achieving this consent in a way that the sacrificial ritual can never attain since it is constituted by the need to *simulate* the agreement of the victim. The comedy of innocence seeks to articulate a consenting voice for the sacrificed victim through the ritual structure that requires him to nod or shake his head. Aeschylus' drama imaginatively achieves a completion to the sacrificial ritual that was always (necessarily) outside the ritual though always being pointed towards or deferred. Here, at the end of the *Eumenides*, the beast can finally speak up.<sup>liv</sup> It is only this voice, the animal voice of the Furies, that, in consenting, can bring an end to the cycle of corrupted sacrifices that the normal sacrifices cannot accomplish.

Zeitlin, Heath, Nussbaum, et al. place substantial responsibility on the corruption of sacrifice as a causal factor in the endless cycle of violence, yet signally fail to include sacrifice's restoration as one of the causes of the resolution in the *Eumenides*. That they do not do so is not surprising, because, following Zeitlin, they emphasize only the final *ololugmos* as the symbol of restored sacrifice, and this of course comes after the important reconciling of the Furies with Athena and Athens. They necessarily cannot see sacrifice as efficacious to the final version of Aeschylean justice, but instead see it as a mere symptom or by-product of a solution crafted by Athena's *peitho* and the acquiescence of the Furies. Yet Zeitlin says that "the motif of sacrifice corrupted... plays an important role in the development of the trilogy."<sup>lv</sup> How can corrupt sacrifice, to the extent that it drives action in the plays, be righted, if not by propitious sacrifice? But for her the pious sacrifice is an effect rather than a cause, and it remains puzzling how something as powerful as sacrilege and blasphemy could be restored without recourse to their opposites, piety and respect for the gods.<sup>lvi</sup> While one way of achieving this is surely the seeming respect that Athena pays to the Furies, the most natural way of restoring sacrifice to its place between gods and humans is to perform it properly. The only contender for such a pious sacrifice that occurs before the final procession, that brings about the final procession underground, is the one I have proposed. My suggestion, then is to retain the insights brought forward by Zeitlin, but to take them one step further to rectify her conclusion by bringing it into line with the weight of the rest of her argument.

In returning to the nature and function of the Furies, we also know that the only beings who are "*semnos*" (august/revered/holy) in the *Eumenides* are the Furies and the animal victims (Eu. 1004), further linking the Furies with the structural function of animal victimage. And there is also the matter of the just where exactly the Furies are being sent by Athena; immediately before Athena refers to the "awesome sacrifices" (*sphagion semnon*) that are to speed the Furies on their way, Athena says that she "must lead the way to your chambers" (Ag. 1003). But this word normally translated as chamber, *thamos*, has a number of different meanings, including bridal chamber, grave, and netherworld, the last of which Aeschylus himself used in the *Persians*.<sup>lvii</sup> Athena may thus be saying that she will lead the Furies to their grave, to Hades, which implies that the Furies are being killed or at least buried alive. It is also unclear how to interpret what these sacrifices are actually doing, since, while normally the *sphagion semnon* are taken to be sacrificial victims who accompany the Furies into the earth, if we read *thamos* as grave/Hades instead of "chamber" then it is the Furies themselves who become the "awesome sacrifices."<sup>lviii</sup> The textual polyvalence here continues the conflation of avenger/victim roles highlighted by Lebeck, and even if there are actual cattle onstage in the original staging<sup>lix</sup> it would still be the case that the Furies' path underground is being likened to an entombment rather than a joyous reconciliation. Indeed Athena and the Furies exchange a reciprocal set of *chairete* (Eu. 1004, 1012, 1023) over the course of this reconciliation meaning "rejoice" but also "goodbye/farewell", which fits in with viewing their journey underground as a more of a final going-away than a cooptation into the polis.

One final piece of evidence can be found in Athena's description of the newly pliant Furies as *foinikobaptois*, wearing red/crimson/purple robes (Eu. 1028). Many

scholars accept the theory that the Furies were actually re-clothed onstage here, and that their new colors indicate their status as Metics (resident aliens) in the Athenian polis. In addition to referring to their foreign origins, however, scholars have also pointed out that red is appropriate to the Furies because of their role in avenging blood guilt and their frequent references to drinking blood, and also serves as a reminder of “the blood-stained robe of the slain Agamemnon (displayed at the climactic moments of both preceding tragedies).”<sup>lx</sup> Their red robes remind us of the blood shed earlier, the pain necessary for the *pathei mathos*, but the new interpretive context prevents this visceral presence of gore from surging forth into a new round of revenge. This is surely true, but a more coherent reading of the trilogy comes into view by reading the symbology slightly more literally. Rather than seeing the robes as virtually bloody by way of their reference to Agamemnon they can also stand in for his robes more directly, as being blood-stained because these robes in the *Eumenides* are themselves bloodstained (virtually, through the sacrifice of the Furies...though if there were indeed a blood sacrifice onstage then perhaps the red was not blood symbolically but was real animal blood). If *dike* is now understood as including revenge but being much broader than it, and if the restoration of proper sacrifice via consent through *peitho* is central to achieving this resolution, then it would make sense for the Furies to proudly wear the garments in which they have been sacrificed. By doing so they complete the reversal of the corrupt sacrifice of Agamemnon (and all the others), because now for the first time it is the sacrificed who revel in their blood-drenched status (as the proper victim should) rather than the perverse triumphs that Clytemnestra and Orestes staged over their victims.

### **Conclusion**

Euben, Nussbaum, and others find Aeschylus’ solution a plausible one because it recognizes the complexity of our choice-set in any genuinely political decision and sees in each choice a tragic necessity: that no decision is without cost, and that the side that “loses” is, regardless of the situation, a real loss that cannot be simply balanced out by the “good” gained in making the choice. The novel alternative presented at the close of the trilogy is to “honor that which is chosen against” by including the Furies, the purported losers in the case at hand, in the final settlement. Aeschylus’ solution to violence in the *Eumenides* thus avoids the mistakes that Agamemnon and Clytemnestra make in the *Agamemnon*, since the Furies, now as Eumenides, are included in a kind of bargain or compromise offered by Athena. Instead of pursuing their blood-vengeance they will now protect the hearth and family in Athens, but they are not completely de-fanged in this more placid world. They will still be entitled to honor and sacrifices, and in the event of civil strife, *stasis*, they can unleash their fury on those who transgress against social unity. The Furies assent to these new conditions, and the play closes with a sacrificial cry (the *ololugmos*) as the new Eumenides are paraded underground.

What this reading of the trilogy misses, misrecognizes, is exactly the repressive aspects of this seeming resolution – the sacrifice of the Furies that blunts the harshness of their loss by including them in the civic life of Athens as (entombed) protectresses of the hearth and family. The persuasion of the Furies (by Athena) in fact simply replays the comedy of innocence that we have already had occasion to discuss in the typical Greek sacrificial ritual, in that a sacrifice can only be made pure if the victim

assents or incurs guilt. What has misled prior interpreters of Aeschylus is the drama of consent played out between Athena and the Furies, in which honor appears to be granted to the Furies and hence justice more truly enacted. But consent should not be equated with the transcendence of sacrifice. Consent is, in effect, the most important part of the sacrificial ritual, in that without it the deed is rendered a mere murder (and hence powerless to stop the cycle of mutual revenge). But with consent comes the completion of the rite of pure sacrifice, and the community can go on. Sacrifice, and the violence it necessarily includes, is not refuted, but sublimated and taken up as part of the constitutive logic of the Aeschylean solution.<sup>lxi</sup>

Furthermore, it is through a torchlit procession reminiscent of a funeral march that the Eumenides head to their new home, symbolically entombed within the earth. The *ololugmos* reminds us of the earlier efforts to establish order in the polis, by Agamemnon and Clytemnestra, but the previous events have now been transformed into an amiable ritual because the victims this time (unlike Iphigenia) have fully consented. In taming the Furies, Athens has removed the most bestial aspects of these creatures while retaining the more gentle, and it is these domesticated creatures who can then be sacrificed and entombed in the earth. The Furies had represented the violent potential of animality to destroy the polis, and it is this power that has now been taken from them.

It is important to highlight that viewing the Eumenides as a sacrifice does not render them unimportant beings, as we might imagine if we think about the way that animals killed for human needs are often treated today. The Greek polis depended for its daily existence on a plentiful supply of domestic animals available for sacrifice, and while we need not wax nostalgic about how the animals may have been treated, we must also recognize that a certain dignity attached to these animals because they were the direct means of communication with the gods, albeit more symbolically than real. Their deaths were tied to their purpose in securing the blessings of the gods for the prosperity of the polis, and as long as this larger function was maintained by Greek religion the animals' place was not entirely without honor, though not a kind of honor that we would endorse as sufficient for a human being.

That said, the important symbolic roles played by animals in the ideology of the Athenian polis do not lessen the basic brutality of a system that depended upon their bodies for its existence while also simultaneously excluding them from any possible place in the citizenry. Actual creatures by the millions, human and animal, were required for the upkeep of Athens, but following a Girardian logic,<sup>lxii</sup> their sacrifice was most effective when misrecognized. This is most evident to us today when we think of the women of Athens who could not actively shape their lives by participating in the political life of the city, and for whom democracy enacted again and again the sacrificial contract laid down by Athena. The sacrifice of animals seems to fit the Girardian logic less well, since the fact that animals were sacrificed daily was perhaps the least hidden aspect of Greek life. What is important from Girard's standpoint, however, is not that the killing or sacrifice is hidden, but that the motivation for the deed remains unnoticed. Here then matters fit more closely with his theory since the basic motivation for animal sacrifice has more to do with outlets for communal violence than it does with the specifics of the animals involved. Someone has to pay the price, and animals play this role so that humans do not have to.

This then returns us to the connection between animals, sacrifice and justice. Aeschylean justice, even in the form most conducive to our efforts to honor two or more conflicting imperatives, requires that some form of sacrifice be enacted; it depends upon it as the *sine qua non* of the resolution of the conflict. In this sacrifice, animals or animality in some form will likely figure importantly, and for two seemingly opposed reasons. First, because animals cannot speak for themselves (other than primates, perhaps), they can serve as surrogates to be sacrificed whose deaths will not incur the fury of avengers who seek redress for a criminal death (what I have termed their invengeance). Second, animals can serve as the sacrificial underpinning of the community because their very similarity to humans as sentient beings means that they can satisfy the requirements of *pathei mathos* for political wisdom. If Euben, Nussbaum, and Burkert are correct about the mutually constitutive relationship between democracy and tragedy, it follows that democracy's dependence on suffering as an important source of political knowledge produces a desire for invengeant beings. Tragic spectacle provides one vehicle for this learning to occur without animal death, but the speechlessness and sentience of nonhumans is so compelling because the deaths of animate beings moves us more directly than most fictional depictions of human suffering. The continuation of animal pain is especially important in this era of biopower, given that politics is now broadly concerned with regulating the production and reproduction of human and nonhuman populations and that this regulation requires the generation of enormous quantities of factual knowledge.<sup>lxiii</sup> One of the primary avenues for generating this information, particularly that which is directed toward the prolongation of human life through medical research, takes place in and through the suffering of nonhumans. While it may be possible that the advent of advanced cybertechnologies will one day make the use of animal models in science and medicine useless, that day is far off. Until then we continue to need lives that we can make suffer so that in time we can become wise.

Does this suggest that we must reject the Greeks if we are interested in developing ethical relationships with the nonhuman world? Such a response might seem initially warranted, but consider again the civic institution of tragedy. What *is* tragedy, after all? The Greeks conventionally believed that the word came from goat, *tragos*, one of the most commonly sacrificed animals in the ancient Hellenic context.<sup>lxiv</sup> Tragedy was thus the "goat-song" performed with the sacrifices instituted for the god associated with tragedy, Dionysus, and so the name implicitly brings us back to a goat, to its death, to flaying and eating, and to the union and separation between humans and gods that it attests.<sup>lxv</sup> According to Walter Burkert, the entirety of the sacrificial ritual is to be explained as an expiation of guilt over the death of the animal killed in the hunt.<sup>lxvi</sup> Returning to the Greeks then is particularly useful, more useful even than determining whose story about justice, say, Rawls's or Nussbaum's, one wants to believe. They allow us a vantage on tragedy, juridical justice, and the theory of consent, in which each of these can be seen in its imbrication with the other two, and all of them together seen as forming a complex kind of reaction formation. Psychoanalytic theory describes a reaction formation as a defensive mechanism in which the ego masks powerful emotions that produce anxiety by compensating in the opposite direction, so powerfully felt hate is expressed as compulsive and exaggerated love, for instance.<sup>lxvii</sup> The guilt and shame over animal death is *not* not felt, as

Nussbaum and other animal rights ethicists have argued – rather it is felt so deeply that the entire weight of civilization (seen as the triumph over barbarism) must be marshaled to counteract and deny the all-too-real feelings surrounding this killing. Tragedy, juridicality and consent may be good and they may be bad, but first we must take notice of the manner in which they act as masks that screen off our bloody hands from our guilty conscience.

All of this is not to argue that all of our received conceptions of justice are based on sacrifice or the killing of nonhumans as an essential element of the concept. Rather, it is to say that our primary orientation in thinking about justice and democratic politics, at least insofar as our tradition looks back to the Athenian Greeks, draws on the all-too-real killing of nonhuman animals, because this tragic vision of politics is produced through a sacrificial economy. If we want to ask critical questions about the boundaries of the ethical community we must first become conscious of the political subconscious that subtends our idea of community. This idea has, historically and conceptually, been linked with the sacrifice and exclusion of animals, and we continue this exclusion today in the mass production of nonhumans for food, clothing, and scientific research. We also risk eliding this exclusion when we talk, as do Allen, Euben, and others, as if democracy and sacrifice were necessary bedmates, and as if it were so easy to discern the good kind of sacrifice from the bad.<sup>lxviii</sup>

What might it mean for democratic theory to come face to face with this legacy? At a minimum it demands that we ask whether “the People” require that other beings be made sacrificeable.<sup>lxix</sup> And perhaps more troublingly, it requires that we consider how democracy can reconcile its commitment to those who are voiceless but also sentient with its continuing dependence on the production of voicelessness. What would such an awakening look like?

## Notes

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<sup>i</sup> Peter Euben, *The Tragedy of Political Theory* (Princeton, NJ: Princeton University Press, 1990).

<sup>ii</sup> Euben, *ibid*; Sara Monoson, *Plato's Democratic Entanglements* (Princeton, NJ: Princeton University Press, 2000); and Josiah Ober, *Mass and Elite in Democratic Athens* (Princeton, NJ: Princeton University Press, 1989).

<sup>iii</sup> Elizabeth Markovits, "Birthrights: Freedom, Responsibility, and Democratic Comportment in Aeschylus' *Oresteia*." *American Political Science Review* 103 (2009), 427.

<sup>iv</sup> Danielle Allen correctly reminds us that judicial activity and judges were not novelties introduced by Aeschylus, we should not discount the importance of the particular constellation of judicial institutions and isonomic citizenship that marks 5<sup>th</sup> century Athens. Danielle Allen, *The World of Prometheus* (Princeton, NJ: Princeton University Press, 2000), 21.

<sup>v</sup> See entries for *dikaosune* and *dike* in H. G. Liddell and R. Scott, *Greek-English Lexicon*, 9<sup>th</sup> ed. (Oxford: Clarendon Press, 1996). Bonnie Honig notes the enduring tension in Athenian tragedy between aristocratic and democratic justice in her "Antigone's Laments, Creon's Grief: Mourning, Membership, and the Politics of Exception," *Political Theory* 37 (2009), 5-43. Her concluding suggestion is that the way out of Creon's "infinite grief" may be through the appetites and "the Feast," which, from the vantage of this essay, marks her solution as another example of sacrificial justice. The Greek feast is inseparable from the sacrificial rite.

<sup>vi</sup> As Polemarchus, at Socrates' prompting, defines *dikaosune* in the *Republic* beginning at 332d.

<sup>vii</sup> The sayings of the Presocratic Heraclitus are particularly revealing of this ethic: "War is the father and king of all. Some he makes some he makes gods and others human; some he makes free and others slaves" (cited in Hippolytus' *Refutation*, 9.9.4), and "It is necessary to know that war is common and justice is strife and that all things happen in accordance with strife and necessity," (cited in Origen, *Against Celsus*, 6.42).

<sup>viii</sup> Whether it can succeed at this claim of impartiality is highly dubious. See Allen, *The World of Prometheus*, 18-24.



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<sup>ix</sup> As Patchen Markell argues in the afterword to *Bound by Recognition*, the resolution of the trilogy is perhaps neither so optimistic nor so lasting as most commentators presume (Princeton, NJ: Princeton University Press, 2003), 190-193.

<sup>x</sup> Euben, 81.

<sup>xi</sup> Simon Goldhill, "Civic Ideology and the Problem of Difference: The Politics of Aeschylean Tragedy, Once Again," *Journal of Hellenic Studies* 120 (2000), 34-56.

<sup>xii</sup> As the Chorus says in the parodos to the first play of the trilogy: "We must suffer, suffer into truth" (Ag. 179).

<sup>xiii</sup> Euben, 90.

<sup>xiv</sup> Euben, 90.

<sup>xv</sup> Whether human sacrifice was practiced in the Greek past is still subject to debate, but the point here is that at no time in the world of the "civilized" polis was this a possibility. See Burkert, *Homo Necans*.

<sup>xvi</sup> The historical facts are quite dramatically on only one side – the "may find themselves" is really "have always found themselves endorsing...literal sacrifice," since the killing of nonhumans for religious, culinary, sartorial, and scientific reasons is as near to a universal as one can find in human experience. We should be even more troubled by the path to the future that this lays down, since the need for the spectacle of suffering must go on in perpetuity to enable future generations to learn the lessons of their ancestors.

<sup>xvii</sup> This is the term for the sacrifice that consummates and completes a chain of sacrifices. See Burkert, 22-35.

<sup>xviii</sup> See John Heath, *The Talking Greeks* (Cambridge: Cambridge University Press, 2005), 248.

<sup>xix</sup> Froma Zeitlin develops this theme at length in her "The Motif of the Corrupted Sacrifice in Aeschylus' *Oresteia*," *Transactions and Proceedings of the American Philological Association* 96, (1965), 463-508.

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<sup>xx</sup> The third libation is the concluding offering of the Greek ritual. See Peter Burian, in “Zeus Soter Tritos and Some Triads in Aeschylus’ *Oresteia*,” *American Journal of Philology* 107 (1986), 332-342.

<sup>xxi</sup> Peter Burian and Alan Shapiro, eds., *Aeschylus’ Oresteia* (Oxford: Oxford University Press, 2003), 36.

<sup>xxii</sup> See Burkert, 22-47.

<sup>xxiii</sup> Rene Girard, “Generative Scapegoating,” in *Violent Origins*, ed. Robert Hamerton-Kelly (Stanford, CA: Stanford University Press, 1987), 73-105; *Violence and the Sacred* (Baltimore, MD: Johns Hopkins University Press, 1979).

<sup>xxiv</sup> References to the *Oresteia* are to the edition by Robert Fagles, *The Oresteia* (New York, NY: Viking Press, 1975), and take the form of the first two letters of the play (Ag. for *Agamemnon*, Ch. for *Choephoroi* (also known as *Libation Bearers*), and Eu. for *Eumenides*), followed by the line numbers in Fagles’s text.

<sup>xxv</sup> Perhaps surprisingly, John Heath’s *The Talking Greeks*, which foregrounds the animal/human confusion in Aeschylus, continues this traditional theme in his otherwise stimulating interpretation. See Heath. 249-58.

<sup>xxvi</sup> R. P. Winnington-Ingram, *Studies in Aeschylus* (Cambridge: Cambridge University Press, 1983), 164, 167-8.

<sup>xxvii</sup> See George Thomson’s *Aeschylus and Athens: A Study in the Social Origins of Drama* (London: Lawrence & Wishart, 1967) for one version.

<sup>xxviii</sup> Still, here too we can perhaps see something that helps to explain the puzzle of the name of the final installment of the trilogy. The Furies are never called Eumenides in the text, and though a number of euphemisms come close to this term they are most charitably referred to as *Semnai Theai*, august/awesome goddesses, when not being likened to Gorgons, bloodhounds, or other less pleasant creatures. In Aeschylus’ time we do not see the play called *Eumenides* but (perhaps) rather *Erinyes*, and the earliest attribution of the contemporary title seems to date roughly from 408 BCE. See A. L. Brown, “Eumenides in Greek Tragedy,” *The Classical Quarterly*, New Series, 34 (1984), 260-281. We do not

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know exactly when or why *Eumenides* as a title became linked with the play, but it seems probable that it could not have occurred before 414 BCE. In the interim between 458, when the play was first performed, and this latter date in the middle of the Peloponnesian War, the implied connection between *Euphronas* and *Eumenides* apparently became clearer. More than this, however, it also may have replaced *Erinyes*, which is a considerable shift in valence for the play as a whole. This shift certainly picks up on the triumphalist note in the closing lines of the play, but it also lends credence to the view that audiences, scholiasts, or critics may have been responding to the scapegoat mechanism in choosing to occlude the more negative aspects of the newly tamed *Semnai Theai* when they instead focused on Eumenides. See also the “Commentary” by A. J. Podlecki to *Aeschylus: Eumenides* (Warminster, UK: Aris & Phillips Ltd., 1989), 55, 191.

<sup>xxix</sup> Zeitlin notes that the terms for sacrifice or sacrificial slaughter are much reduced in the *Choephoroi*, but return to the level of the *Agamemnon* in the *Eumenides*. Nevertheless I would argue that the two usages in the middle play, by Orestes as he discusses killing Clytemnestra, fit the larger pattern and maintain the continuity throughout the trilogy. See Zeitlin, *ibid*.

<sup>xxx</sup> Burian 1986, notes the potential of the text to serve as a critique of traditional morality; Zeus Soter (the Savior) is hardly a figure who brings peace, at least for the majority of the trilogy.

<sup>xxxi</sup> Perhaps this supplies another reason why Aeschylus had to flee Athens to avoid the charge of *asebeia*? See Reynaud Gagne, “Mystery Inquisitors: Performance, Authority, and Sacrilege at Eleusis,” *Classical Antiquity* 28 (2009), 211-247. We know little of what actually happened in the case of Aeschylus, but we may infer something about the general process from the details of the trial of Andocides in 400 BCE.

<sup>xxxii</sup> Anne Lebeck, *The Oresteia: A Study in Language and Structure* (Cambridge, MA: Center for Hellenic Studies and Harvard University Press, 1971), 150-1.

<sup>xxxiii</sup> Agamemnon’s death will be in part a just punishment of his overweening pride and moral deafness, but we mistake Aeschylus’ purpose if we focus too much on the particular defects of the character of the king. Martha Nussbaum’s essay on the *Agamemnon* seems to do exactly this, though it is otherwise a perspicuous assessment of Aeschylean ethical philosophy. Though she notes the parallels

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between animal sacrifice and the killing of Agamemnon, the brunt of her argument highlights the flaws in his emotional state as he contemplates and then carries out the killing of Iphigenia. Though he is initially torn between his duties to the fleet (which are in turn dependent on his prior obligation to uphold the sanctity of the guest-relation that Paris violated) and his commitment to protect his daughter's life, he is quickly seduced into believing that only one of these is a real ethical obligation. It is therefore only logical that he gags Iphigenia as she is carried to be killed: he has already silenced her claim to be recognized as one to whom he might be obliged, and the physical act of muting her merely reflects a *fait accompli*. His actions when he returns home serve to accentuate this ethical blindness, but what we should not miss is the continuation of the parallels to animal sacrifice even in this most "human" moment of ethical choice. See Martha Nussbaum, *The Fragility of Goodness* (Cambridge: Cambridge University Press, 1986).

<sup>xxxiv</sup> Hugh Lloyd-Jones, "The Guilt of Agamemnon," in *Greek Epic, Lyric, and Tragedy* (Oxford: Clarendon Press, 1990), 288-297.

<sup>xxxv</sup> Burkert, 1-11.

<sup>xxxvi</sup> Though "Greek religion" is somewhat of a misnomer, and it should not be mistaken for more orthodox or doctrinally-based religions such as Christianity. That said, the term has limited utility if the heterodoxy and ambiguity of the practices are kept in mind. See Walter Burkert's *Greek Religion* (Berkeley, CA: University of California Press, 1985).

<sup>xxxvii</sup> Images of hunting and sacrifice are profligately mixed in the plays, as Pierre Vidal-Naquet has argued in "Hunting and Sacrifice in Aeschylus' *Oresteia*," in Jean-Pierre Vernant and Pierre Vidal-Naquet, *Myth and Tragedy in Ancient Greece* (Brooklyn, NY: Zone Books, 1988), 141-160. This mixture is in line with the connection between hunting and sacrifice proffered by Walter Burkert, though it goes against one aspect of the Greek ritual in that wild animals were hunted but not sacrificed, while domestic animals were sacrificed but not hunted.

<sup>xxxviii</sup> See Burian, *ibid*, and Burian and Shapiro, *ibid*.

<sup>xxxix</sup> Zeitlin, 475.

<sup>xl</sup> See Lloyd-Jones, *ibid*, for a review of theories on his motivation.

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<sup>xli</sup> Zeitlin, 487. These stages attempt to reconstruct the evolutionary path of justice. The first stage is the call for shedding of the killer’s blood; the second stage is “blood guilt itself” where compensation is demanded by the victimized tribe of the offender’s tribe, resulting in payment of compensation and expulsion of the offender; stage three is the readoption of the offender into society via purification; stage four is the “impartial judgment of the court of law.” Zeitlin claims that the trilogy as a whole engages successively in each of these stages, though she also notes that stages two and three are continued even in the trial stage. I am simply extending this argument by revealing the importance of the continuation of stage one in the trial solution as well (as Euben, *ibid*, and Heath, *ibid*, have already noted) but applying this final requirement of bloodshed to the Furies themselves.

<sup>xlii</sup> As Clytemnestra says at Ag. 1057, which also may suggest a desire to perform the “third libation” (Burian, 1986).

<sup>xliii</sup> Zeitlin, 485.

<sup>xliv</sup> Heath, *ibid*.

<sup>xlv</sup> Heath, 236-242.

<sup>xlvi</sup> Jeremy McInerney, public comment, University of Pennsylvania Workshop in Political Theory, November 14, 2009.

<sup>xlvii</sup> This is the term for the women’s chant during the Greek sacrificial ritual.

<sup>xlviii</sup> Lebeck, 134.

<sup>xlix</sup> Heath, 244, 245.

<sup>l</sup> Zeitlin, 507.

<sup>li</sup> Heath, 244.

<sup>lii</sup> Burian and Shapiro, 265.

<sup>liii</sup> And see Burian and Shapiro, 21-2 for more on the corruption of *peitho* theme.

<sup>liv</sup> Contra Heath, who claims that the beast is always the one who can never speak or whose speech can occur only as perversion (Heath, 242-58, especially).

<sup>lv</sup> Zeitlin, 507.

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<sup>lvi</sup> This theme of the dynamic connection between opposites in which, often dramatically, one turns into another, is important throughout the trilogy (see Lebeck, *ibid.*). I see my thesis in line with this general interpretation.

<sup>lvii</sup> Podlecki, n. 191.

<sup>lviii</sup> Accepting this would alter the case I make above, since the it would no longer be that the Furies are being *compared* to animal victims but that they are directly being *identified* as such. Re-reading the lines Athena then would be saying: “I must lead the way to your *grave* by the holy light of these, your escorts bearing fire, Come, and sped beneath the earth by our awesome sacrifices, keep destruction from the borders...” (Eu. 1003-7), in which it is the Furies who are quite directly “sped” beneath the earth by the sacrificing since it is them being metaphorically killed. I do not want to place too much interpretive weight on this last re-reading as it seems merely possible rather than probable, and perhaps the strongest claim I would make for it is that it raises yet another ambiguity for the audience to puzzle through.

<sup>lix</sup> As Burian and Shapiro, *ibid*, also seem to believe.

<sup>lx</sup> Quotation from D. J. Conacher, *Aeschylus' 'Oresteia': A Literary Commentary* (Toronto, ON: University of Toronto Press, 1987), 174, cited in Podlecki, 192.

<sup>lxi</sup> Athena is not above making veiled threats; she none-too-subtly mentions that she knows where Zeus keeps his thunderbolt (Eu. 836-8), giving another indication of the role that barely-suppressed violence continues to play. But in addition we can see that the Furies are not simply being given a simple change of their duties. Their new role is almost entirely subservient to the polis as it is only *stasis* that can now arouse their anger – they cannot threaten a unified city but rather they come to the aid of the city when it is threatened by internal dissension. But this is to reduce their function and power dramatically; the Furies have been tamed, or, as Zeitlin puts it – “cured” (Zeitlin, 507). This domestication/healing is a kind of honor in that Athena’s solution, unlike that of Agamemnon or Clytemnestra before her, does not rely on the complete extirpation of the losing side. But this should not blind us to the important difference between the newly domesticated Eumenides and the honors due to the Olympian gods (in Aeschylus or Sophocles, for instance). The gods stand outside human affairs and impose (or guard) limits upon the human condition; the Eumenides’ potential power no longer

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serves this boundary-policing role, but instead is subordinate to protecting the order and stability of the purely-human community.

<sup>lxii</sup> Girard 1979, *ibid*.

<sup>lxiii</sup> See Michel Foucault, *The Birth of Biopolitics* (London: Palgrave Macmillan, 2008); Donna Haraway, *When Species Meet* (Minneapolis, MN: University of Minnesota Press, 2008); Rosi Braidotti, *Transpositions*, (London: Polity, 2006); and Nicole Shukin, *Animal Capital*. (Minneapolis, MN: University of Minnesota Press, 2009).

<sup>lxiv</sup> There is an almost equally common tradition which asserted that the tragic theater had “nothing to do with Dionysus.” As an historical claim this may have been true, in that the origins of tragedy may have had little to do with Dionysian worship. It is also true that much of the 5<sup>th</sup> century tragic theater had little explicit relation to goats or Dionysus. Still, even the denial is significant evidence of a traditional association linking tragedy to ritual and to ritual sacrifice. See *Nothing to Do with Dionysos? Athenian Drama in Its Social Context*, eds. John Winkler and Froma Zeitlin, (Princeton, NJ: Princeton University Press, 1990).

<sup>lxv</sup> See Marcel Detienne and Jean-Pierre Vernant’s *Cuisine of Sacrifice Among the Ancient Greeks* (Chicago, IL: University of Chicago Press, 1989) for the simultaneous connection and abyss that sacrifice enacts between humans and gods.

<sup>lxvi</sup> Burkert, *ibid*.

<sup>lxvii</sup> Calvin Hall, *A Primer of Freudian Psychology* (New York, NY: World Publishing, 1954), 91-93.

<sup>lxviii</sup> Danielle Allen follows Ralph Ellison in distinguishing the necessary kind of democratic sacrifice from the illegitimate kind, defined as “scapegoating,” though without any attention to way that such a term continues to scapegoat nonhumans precisely through the unproblematic naming of ‘bad’ sacrifice through such a fraught concept. See Allen, *Talking to Strangers*, 30.

<sup>lxix</sup> Again, *pace* Allen, we must ask whether sacrifice is located, as she claims, at the static border between the social and political worlds (Allen, *Talking to Strangers*, 29), or whether it is instead that sacrifice constantly *produces* the separation between social and political realms. That is, in my view

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sacrifice is less a mediator of the tension between social and political than it is the concept that effaces tensions and erects the stability of the polity on the back of a silenced 'social' that is largely (now) comprised of nonhuman actors.