

2: FOUNDINGS VS. CONSTITUTIONS: ANCIENT TRAGEDY AND THE ORIGINS OF POLITICAL COMMUNITY¹

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The characters who inhabit ancient tragedy continue to burn themselves into our consciousness. Oedipus, Antigone, Clytemnestra, and Electra all offer us visions of heroes and villains, personalities and psychologies caught in the labyrinthine consequences of their own characters and of fate. Yet, ancient tragedy goes well beyond the portrayal of the actions and choices of these commanding figures. Through the presentation of an Antigone or an Oedipus or an Orestes, it explores as well the challenges entailed in the founding of political communities. Today, whether we turn to the newly democratizing states or the issues surrounding the creation of a political union in Europe, our understanding of political beginnings and communal life often resides in the process of constitution making, the creation of institutions, and legal safeguards intended to provide for the security and protection of individual freedom. The ancient Athenians, writing long before the legalistic language of constitutions came to define political foundings, grappled with a range of issues that force us to reflect on the beginnings of political communities and to take those concerns well beyond the abstract legalistic focus that dominates the contemporary process. The tragedians recognize the myths, the gender-laden choices, the exclusions at the base of assertions of political order. They put on stage the potential tragic consequences that undermine the optimism often present at the foundational moments of political communities.

¹ I dedicate this chapter to the memory of my husband Gary Saxonhouse who died of leukemia in November 2006. Work on this piece began in Seattle where we spent our last weeks together.

While there is much to be said on this topic by looking at the philosophers of ancient Athens – comparing, for example, the *Republic* and the *Laws*, or considering Protagoras' speech in Plato's *Protagoras* or Book 2 of Aristotle's *Politics* – I will focus my discussion on three ancient tragedies² in order to address just those issues that are often ignored today in the theoretical and practical work surrounding the establishment of political institutions. The ancient tragedies allow us to raise questions about the consequences of the abstractions that emerge in a modern world that identifies political foundings with constitution writing, alerting us to the limits of our own perspectives – and the dangers of ignoring those limits.

INTRODUCTION TO THE ISSUES

Thomas Paine, in celebrating the emerging American nation, envisions the empty page on which the new nation will be built: "A situation, similar to the present, hath not happened since the days of Noah until now. The birthday of a new world is at hand. . . ." So he exults in 1776.³ Later, in *The Rights of Man*, he will censure Edmund Burke who fails to understand that: "The vanity and presumption of governing beyond the grave, is the most ridiculous and insolent of all tyrannies" as he heralds this new world by dismissing the "manuscript assumed authority of the dead."⁴ The world Paine envisions, the world that the social-contract theories of Hobbes and Locke had theorized, is one open to the creative powers of human reason and human speech. It is a world that exalts the human freedom that creates by itself the conditions under which we live. At the same time, as some have recently written, the writing of a constitution becomes a challenge to freedom, a self-limiting activity that arises from the foreknowledge of the actions of humans driven by self-interest.⁵ Sheldon Wolin is one of those scholars who have focused on the oxymoronic nature of a constitutional democracy in order to underscore how constitutions are antithetical to the freedom envisioned by the democratic model.⁶ But these constitutions come

² There are a multitude of possible plays that would be relevant for discussion. I think most specifically of Euripides' *Ion* (see Saxonhouse 1986), but one could just as easily engage his *Bacchae* or Aristophanes' *Birds* or *Ecclesiazusae*.

³ This is from the appendix to *Common Sense* in Paine 1995: 52–3.

⁴ Paine 1995: 438–39.

⁵ See, for example, Elster 2000.

⁶ See Wolin 1994.

from the sense of openness, the open field suddenly created by the opportunity to construct a new state. The ancient tragedians recognized this celebration of the new, but even as they celebrated it, they also feared the forgetfulness that underlies the act of constitutional creation. They ask us to reflect on what is lost with the novelty of what we today have come to call constitution writing, what in their world we might say would be the celebratory reliance on the creative powers of speech and reason.

Leo Strauss in *Natural Right and History* distinguishes ancient and modern political thought, in part, by saying that the moderns focus on the beginnings of cities while the ancients focused on their ends, or in Strauss' language, the "nonteleological" perspective of modern science versus the teleological foundation of "[n]atural right in its classic form."⁷ The classic statement of this perspective comes when Thomas Hobbes so cavalierly dismisses the *summum bonum*: "[T]here is no such *Finis ultimus* (utmost aim) nor *Summum Bonum* (greatest good) as is spoken of in the books of the old moral philosophers" (*Leviathan*, Chap. 11). With the rejection of an "end" came the focus on origins, the creation of the political community through speech and science. And, the focus on beginnings meant the focus on the freedom of the individual as the starting point for political formation. The natural condition of mankind was understood as a condition of freedom for Hobbes and for Locke; abandonment of that freedom was possible only as an act of individual will or consent. In the final lines of his book, Strauss writes: "The quarrel between the ancients and the moderns concerns eventually, and perhaps even from the beginning, the status of 'individuality.'"⁸ Given the polity's origins in individual choice, the evaluative focus of the modern world is the degree to which that "individuality" and freedom can be preserved. For example, Strauss writes: "According to Locke, the best institutional safeguards for the rights of the individuals are supplied by a constitution that, in practically all domestic matters, strictly subordinates the executive power (which must be strong) to law, and ultimately to a well-defined legislative assembly."⁹ Here the understanding of political power emerges from an articulation of the origins of that power in the self-interested focus on individual rights.

In the ancient world, in contrast, according to Strauss in his chapter "Classic Natural Right," speech is not the creator of political institutions, but the marker of sociability: "Man is by nature a social being. He is so constituted that he cannot live, or live well, except by living with others. Since it is reason or speech that distinguished him from the other animals, and speech is communication, man is social in a more radical sense than any other social animal: humanity itself is sociality."¹⁰ Speech here does not create *ex nihilo*. It binds the human community together through debate concerning the just and the good, not through the construction of the bonds that will limit freedom so that members of the community can live together in peace rather than war. To develop his understanding of classic natural right, Strauss emphasizes the ancients' concern with the perfection of human nature, which is compatible with the end of the city, "peaceful activity in accordance with the dignity of man."¹¹ Thus, his reading of the ancients highlights their concern with ends and the understanding of the relation between the ends of the city and of the individual – their concern, in other words, with the *summum bonum* so summarily dismissed by Hobbes. It is Aristotle, however, not the playwrights, who lies behind Strauss's reading of the ancients here.

The ancient writers and especially the playwrights I discuss were also concerned with beginnings, how cities emerged and the consequences of those origins. Those origins, for sure, did not reside in contracts with individuals thinking in terms of cost-benefit analyses, but they did address the consequences of efforts to construct afresh and they offered a quite different reading of the place of reason in the polity – one hardly so sanguine as Strauss' portrait of the regime as the realm in which the human being can find his or her humanity.

Hannah Arendt, in many of her writings but especially in *On Revolution*, writes powerfully as well about the generation of political regimes. In *On Revolution* she quotes in a footnote the constitutional theorist and historian Edwin Corwin, who writes: "The attribution of supremacy to the [US] Constitution on the ground solely of its rootage in popular will represents . . . a comparatively late outgrowth of American constitutional theory. Earlier the supremacy accorded to constitutions was ascribed *less to their putative source than to their supposed content*, to their embodiment of essential and unchanging

⁷ Strauss 1953: 7–8.

⁸ Strauss 1953: 323.

⁹ Strauss 1953: 233.

¹⁰ Strauss 1953: 129.

¹¹ Strauss 1953: 134.

justice.”¹² Arendt, through Corwin, here suggests that the older view of constitutions could satisfy Strauss’s reading of the goal of the ancient *politeia* or regime; it is only with the emergence of constitutions derived from “popular will” that there is the radical shift from ends to beginnings, not with constitutions themselves. Arendt’s interest, however, is mainly with that constitution-writing moment. “[T]he end of rebellion is liberation,” the source of our freedom, “while the end of revolution is the foundation of freedom,” in other words, the constitution-writing moment when freedom is protected. Or, as she continues, “[T]he political scientist at least will know how to avoid the pitfall of the historian who tends to place his emphasis upon the first and violent stage of rebellion . . . on the uprising against tyranny, to the detriment of the quieter second stage of revolution and constitution.”¹³ But she, too, understands the constitution as the source of freedom understood as government limited by law and as the safeguard of civil liberties.¹⁴ Quoting Paine, she remarks: “A constitution is not the act of a government, but of a people constituting a government.”¹⁵ Ever since 1789, constitution writing has been seen as a radical founding moment.¹⁶

Those of us interested in the ancient world cannot write of constitutions, nor even of a legitimizing popular will as Arendt does; such language simply was not part of the conceptual framework of the ancients. Nor do founding moments characterized by the adoption of constitutions capture the beginning point of regimes. Instead, what the tragedies offer is a different understanding of the original grounding of cities – not as constitution-writing moments of self-limitation, but as moments when human rationality faces the terrifying forces that limit it. Foundings are not the glorious moments of human creativity, but rather they highlight the community’s debts to history and to ancient pieties. The optimism of the modern world of constitution writing is moderated by the weight of the past and of biology, neither of which reason and the imagination can escape. “Foundings” come not as the grand, free moment of constitution writing, but rather when the limits to our freedom are acknowledged.

¹² Arendt 1990 [1963]: 304–5 n. 32, italics added.

¹³ Arendt 1990 [1963]: 142.

¹⁴ Arendt 1990 [1963]: 143.

¹⁵ Arendt 1990 [1963]: 145.

¹⁶ Carl Freidrich 1963: 404–5, distinguishes acts of foundations which create groups as opposed to acts of institution that create order. I am blurring those distinctions here.

ANTIGONE: THE IMPIETY OF HUMAN SPEECH¹⁷

Antigone has defied the orders of the king of Thebes, Creon. She has performed the burial rites for her brother Polyneices. He had led an invading army against Thebes and had been declared an enemy of the city, denied burial by the city with his corpse left outside the city walls to be eaten by birds and wild animals. Creon believed he was bringing civil order to a shaken city by so marking Polyneices as an enemy. This clarification of friend and enemy would set the ship of state aright. But Antigone, brought before him as the one who has defied his decrees and performed the burial rites for her brother, confronts him with the weakness of his decrees, his human speech before those unwritten laws that come from Zeus. In a justly famous ode, Antigone scorns Creon’s decrees and sings:

Yes, it was not Zeus that made the proclamation;
nor did Justice, which lives with those below, enact
such laws as that, for mankind. I did not believe
your proclamation had such power to enable
one who will someday die to override
God’s ordinances, unwritten and secure.
They are not of today and yesterday;
they live forever; none knows when they first were. (450–57)¹⁸

The beauty of the translation by David Grene hides some of the anti-nomies that are at the heart of her ode – and of the argument here. Antigone gives this speech to set herself apart from the decree of Creon and in so doing she undermines both speech and writing. The laws of Zeus are not known through the language of men. They resist the grounding that writing would entail.

Creon had gloried in the power of the speech of man to create order. Man’s capacity for speech is, for him, the source of political stability. In his effort to secure the safety of his city, he proclaims that his nephew Polyneices, who threatened the city with his army of Argive warriors, “shall no one honor with a grave and none shall mourn” (203–4). When Creon is confronted with Antigone, who has honored Polyneices with a grave and mourned him as well, he expresses

¹⁷ This section draws to some degree on the discussion of the *Antigone* in Saxonhouse 1995.

¹⁸ I use the translation of Grene 1991 with some modifications.

bafflement that she would have performed such an act: “Now, Antigone, tell me shortly and to the point, / did you know the proclamation against your action?” (446–47). How could she perform these acts, knowing the decree that was spoken before the city? How could she have so blatantly ignored in deed the power of his speech? For Creon, the speech of the ruler controls and limits the actions of others; how then could Antigone have resisted that power and performed the deeds the messenger reports and to which she admits?

From the opening moments of the play, Antigone has denied the efficacy of human speech, scornfully dismissing the spoken decrees of the city’s leader, mocking Creon as a tyrant who imagines himself a free man who can say and do whatever he wishes, unrestrained by a people whose “tongue fear confines” (505–7). The inability to speak means powerlessness, as Antigone’s less daring sister Ismene understands so well. Ismene had urged Antigone not to act against the speech of Creon and of the city, equating Creon with the freshly saved city. How can the two sisters perform the burial rites when “Creon has forbidden it” (47),¹⁹ she asks. But Antigone scorns the orders that come from human speech even if they are to intended reassert an order that has been lost. The orders that she follows are worthy of obedience precisely because they are unwritten, beyond the realm of the political life of any city. She speaks haughtily to Creon of those unwritten laws knowing full well that Creon functions in a world of spoken decrees, proclaimed before the city through the voice of its leader and followed precisely because they have been spoken by the man who imagines himself holding the city (like a ship) upright through his speech.

Antigone in her memorable language has established an opposition between the natural order set out by the gods, an order that is not captured through human speech, and the man-made order that governs Creon’s world, an order expressed through words and the letters engraved on stone stele. In Sophocles’ play, Creon is initially not portrayed as an evil king; he presents himself as focused on the welfare of his city: “anyone thinking / another man more friend than his own country, / I rate him nowhere. For my part . . . I would not be silent / if I saw ruin, not safety, on the way / towards my fellow citizens” (182–87). When Antigone is identified as the perpetrator of the forbidden deed, he focuses on the city’s need to define clearly friend and enemy

¹⁹ The Greek is even stronger than Grene’s translation: *anteirēkotos*, to have spoken against it. Three lines earlier Ismene had associated Creon’s decree with the city as a whole: “Would you bury him, when it is forbidden by the city as a whole?” (44). The Greek in this instance is *aporrhēton polei*.

and dismisses the family ties – after all, Polyneices is his nephew, the son of his sister – that would call for compassion and leniency. And not only is Antigone Creon’s niece, she is affianced to his son Haemon. Creon rises above such attachments and considers the whole city. He identifies with the city, not the family out of which the city is composed.

The welfare of the city that he is so eager to establish and preserve depends specifically on speech that denies the emotions that might lead him to soften before his son’s beloved or his sister’s child. His speech affirms the necessity of firmness and most especially of rationality against emotion. The devotion of Antigone to her brother, in contrast, depends on their common beginning in their mother’s womb. That common birth evoking familial and emotional ties, not reason, binds them together beyond life. When much later in the play Antigone relies on reasoning to explain her actions, her language sounds hollow, shorn of the passion that motivated the earlier speeches; indeed, it borders on the absurd:

Yet those who think rightly will think I did right
in honoring you [Polyneices]. Had I been a mother
of children, and my husband been dead and rotten,
I would not have taken this weary task upon me
against the will of the city. . . .

If my husband were dead, I might have had another,
and child from another man, if I lost the first.

But when father and mother both were hidden in death
no brother’s life would bloom for me again. (905–7, 909–12)

When she tries to speak in the same language of Creon, assessing the status of “brother” versus “husband,” she no longer speaks in her own voice drawn from the bonds of familial ties. She is, in fact, parroting a speech given by a Persian noblewoman, the wife of Intaphernes in Herodotus’ *Histories* (3.119). So close to death, she justifies her actions in a speech so rhetorical that Aristotle considers it worthy of analysis in his *Rhetoric* (1417a). The strange rhetoric and emotional emptiness of this speech underscore the limits of human reason when confronted with a devotion to the unwritten demands of familial justice.

Creon, so certain in his assertion of the rightness of his actions and in his dependence on speech, stands forth as the male. He will not allow himself to be ruled by a female; he demands attention to what is built on speech, not the ties of the natural or the emotional. Antigone, despite her efforts to unsex herself and affirm the meaning of her name

(*anti-gonē*: opposed to generation), from the beginning defends the priority of a unity dependent on birth, on the natural processes that bring forth life. Affirming in the first lines of the play that it is their common womb that ties her to her brother, she turns to the natural forces of generation to ground her world. Haemon's status as her fiancé is dependent on agreements based on speech and thus becomes irrelevant for her life. Ismene, not Antigone, reminds Creon of the engagement of Antigone and Haemon (568). In response, Creon crudely notes: "[T]here are other fields for him to plough" (569). A husband/fiancé is not born; he does not come from nature, but from convention. The ties to a brother, in contrast, are not constructed by speech.

In the early lines of the play, the chorus of Theban elders sings its justly famous choral ode about "the wonders of man." The audience hears of this creature:

A cunning fellow is man. His contrivances
make him master of beasts of the field
and those that move in the mountains.
So he brings the horse with the shaggy neck
to bend underneath the yoke;
and also the untamed mountain bull . . .
He has a way against everything,
and he faces nothing that is to come
without contrivance. (347–52, 360–61)

These wonders, though, carry with them the threat of excess and of arrogance. Yet still the power of the gods and of nature remains in the form of death: "Only against death / can he call on no means of escape," concludes the chorus (361–62). The forces of the natural world limit human craft, however much that craft can tame the land and the seas and the wild animals. The divine and the natural retain their power despite human reason. Creon's speech alone cannot re-establish the upright city in defiance of the unwritten laws of Zeus. Despite all his contrivances, man cannot conquer nature.

Sophocles' tragedy turns his audience to a reverence for the gods over man. God is the creator of a natural order, the source of the unspoken, unwritten laws that can only be known through looking into our own hearts, not by listening to the spoken decrees by the likes of Creon. As Strauss (1953) develops in the third chapter of *Natural Right and History*, political philosophy emerges from the discovery of the opposition between the natural and the conventional. In the conflict

between Antigone and Creon, we see the dramatic and tragic playing out of this conflict – the resistance to the founding of the city that depends on human reason and the natural order perceived in the ties that come from familial connections. In Sophocles' version, the failure to listen to Antigone's (and others') warnings about the imagined freedom of human action through the creative power of convention-creating speech leads to tragedy and loss beyond measure. With his wife and child dead, Creon learns that cities are not founded on nor held upright by human speech. He learns that attention to the unspoken and the ancient, the bonds that exist independently of the conventions created by speech, must be given their place in the city he tries so miserably to lead through reason and speech.

THE ORESTEIA: THE REASON OF THE GODS / THE PASSIONS OF MEN²⁰

The *Oresteia*, written and performed several decades before the *Antigone*, affirms the priority of reason combined with obedience to the gods over the ties of birth. In some ways we can see the *Antigone* as a response to the *Oresteia*, for in the final play of Aeschylus' trilogy, the *Eumenides*, the ties of family arising from the processes of birth from the female's womb are banished to the dark caves below the city of Athens. Meanwhile, the shining brilliance of the goddess of wisdom, Athena – she who was born full grown from the head of Zeus – grounds the founding of the beautiful new city of Athens. This city arises from the goddess-imposed judicial system that attends to the city's need for political order, not to the needs of family members working out their complex ancestral and domestic relationships. In the final play of the trilogy, the theme of motherhood is openly argued and rejected. The common birth from the womb of Jocasta that tied Antigone to her brother is diminished by the assertion of the priority of the ties based on reason and craft, as opposed to those of nature. The *Oresteia* is the ancient expression of Arendt's "constitution-writing" moment – the old gods have been overthrown and the new world is about to be created. This moment, though, is marked by the ominous undertones that Aeschylus weaves into his trilogy and that Arendt seems to ignore.

The first two plays of Aeschylus' grand trilogy are plays of revenge for harms done to members of the same family. Clytemnestra kills

²⁰ The discussion of the *Oresteia* draws in part from Saxonhouse 1984.

Agamemnon, she claims, because "He thought no more of it [sacrificing Iphegenia] than killing a beast / . . . he sacrificed his own child, our daughter / the agony I labored into love / to charm away the savage winds of Thrace" (*Agamemnon* 1440, 1442-44).²¹ Orestes kills his mother Clytemnestra because she has killed his father and has sent Orestes himself into exile. The harms are carried out within the family though the consequences spread well beyond into the lives of the inhabitants of the city of Argos.

At the end of the second play of the trilogy, *The Libation Bearers*, Orestes is being driven mad by the emissaries of his mother's ghost, the Furies who are avenging the mother's murder. He describes these Furies for the chorus of libation bearers who do not understand his screams and cannot see these visions in his head: "Women - look - like Gorgons / shrouded in black, their heads wreathed, swarming serpents! . . . No dreams, these torments, / not to me, they're clear, real - the hounds / of my mother's hate" (1048-50, 1053-55). Resolution will only be possible when those executors of familial justice are subdued, when the bonds of the family yield fully to the power of the city that has been constructed by the wisdom of the goddess, when the city can dismiss the ties that Antigone had so desperately wanted to affirm and for which she had found support in the unwritten laws of Zeus - and, indeed, in the action of the tragedy Sophocles sets on the Athenian stage. In the final play in Aeschylus' trilogy, the resolution of the terrible cycle of vengeance appears possible only when Orestes arrives in Athens to be tried for matricide in the courtroom over which Athena presides. It is here that Athens is founded by the actions of the goddess of wisdom; thus, I focus primarily on the *Eumenides*.

The beginning lines of the *Eumenides* recall some of the themes of the ode on the wonders of man from the *Antigone*, except that insofar as civilization arrives at this point in the trilogy, it comes not by human will and craft, but as the result of the visit by Apollo. The play begins with the speech of the priestess at the temple of Apollo in Delphi; she sings of the sequence of priestesses who have served at Delphi and then remarks on Apollo's arrival with an escort of "highway-builders, sons of the god of fire who tamed / the savage country, civilized the wilds" (13-14). The desolate land was transformed and what was once a wilderness with its succession of priestesses is a wilderness no more. The heralded transformation, though, comes at the expense of the female

²¹ I use the translation of Fagels 1979. Line numbers, which are variable in different texts, here refer to Fagel's edition.

rulers who had served as the prophetic voice at Delphi. Apollo's arrival marks their departure.

Orestes comes to Athens for his trial searching for the civilized world that will end the natural cycle of vengeance of which he has been a part. And Apollo, he who has dismissed the female to tame the wilderness, along with the virgin goddess Athena, stands there at the foundation of the city of the Athenians, transforming it into that civilized world and providing for its security. The order they establish is predicated, however, on denying the forces of nature and replacing them with reason. Thus, Apollo in his oft-cited speech at the trial of Orestes says:

The woman you call the mother of the child
is not the parent, just the nurse to the seed,
the new-sown seed that swells and grows inside her.
The man is the source of life - the one who mounts.
She, like stranger for stranger, keeps
the shoot alive . . . (666-71)

Knowledge that the male is the father of the child, of course, depends on abstract reasoning, moving beyond what is empirically observed, the growing belly of the female and the processes of birth, to the speculative world of the invisible seed that can only be assumed, not seen. Nature does not identify the father;²² reason, calculation, and custom perform that task.

Athena supports Apollo's views and she casts the vote necessary to tie the verdict and acquit Orestes. Relying only on the vote of the human jurors, Orestes would have been condemned by a margin of one.²³ The majority of the humans in this play side with the mother, the nature we observe, the female bearing the child in her belly. But the gods in the form of Athena intervene to move humans beyond the natural world of sight to the unseen, conjectured connection between father and child. Humans are forced by the gods to reject the simple

²² Though see Aristotle's fine comeback to Socrates' proposals for a community where children are held in common in ignorance of their parents; Aristotle suggests that nature does identify the parents, even giving priority to the female (*Politics* 2.3.9).

²³ There is controversy over how exactly we are to read the vote of Athena - as a tie breaker or as creating the tie. In the former case, the vote among the mortals was even, in the latter Athena casts the vote that by creating the tie rejects the majority vote among the mortals. I read the vote in the latter fashion, though the argument is strong on both sides. See the discussion in Gagarin 1975.

observation and the sentiments of maternity in order to turn themselves over to the rule of rationality, speculation, and masculinity. The founding of the city requires divine intervention; it is, however, an intervention directed specifically at affirming the priority of reason and not the natural bonds at the base of the city.

Orestes is exonerated by the gods' strange argument that the mother is not the parent, that observable nature cannot be relied on. The gods' arguments themselves are based on the curious assumption that Athena, an immortal sprung fully formed from the head of Zeus, is an appropriate model for the birthing patterns of humans, who are necessarily born from the commingling of opposite sexes and emerge from the womb, not the head. "No mother gave me birth. / I honour the male, in all things but marriage. / Yes, with all my heart I am my Father's child," Athena announces just before casting the vote to acquit the matricide Orestes (751-53). The Athenians, whose citizenship laws had been put into force just around the time that Aeschylus wrote this play, demanded Athenian mothers as well as Athenian fathers for their citizens. They understood procreation as more than the flowerpot theory of generation that Athena and Apollo propound.

Though the setting for these speeches marking the founding moments of the city of Athens is a trial, specifically the trial of Orestes for the murder of his mother, there is nothing in the debate that addresses the guilt or innocence of Orestes. No one denies that Orestes has killed Clytemnestra. The question before the Athenians guided by Athena is whether punishment serves the interests of the city, whether the city can be grounded on the value of assessing guilt and innocence or whether there must be other principles at the foundation of the city and of the very trial itself. The issue of guilt and innocence only leads to the chaos of the continued bloodletting that dominated the earlier plays, as one family member after another executed justice by the killing of the one who killed previously. The *Eumenides* explores how to escape that world of endless revenge, how to arrive at a world of political stability, how to give the city a founding that transcends the personal vendettas, whether of kings and queens or of the everyday citizens. As the speeches suggest, this founding avoids the issue of justice that underlies demands for revenge, the giving of what is due to the malefactor, and instead looks forward to what will serve the interests of the political body as a whole – the subjection of the Furies and their transformation into gods friendly to the city (*Eumenides*) who, from their perch deep within the earth below the city, become the gods of wedlock fostering birth, not vengeance, looking forward, not backward.

Throughout the latter part of the *Eumenides* the Furies who had been eager to execute the vengeance of the ghost of Clytemnestra on her murderous son express horror at Athena's overthrow of their power. They complain repeatedly that the laws of younger time have ridden down the old laws. The Furies are the gods of old, as they describe themselves, the gods that come from the earth in their efforts to affect their own form of justice. Though Athena says, "I love Persuasion; she watched my words, she met their wild refusals" (981-82), she also warns the Furies that if they are not persuaded there is the thunderbolt of Zeus to which she has easy access. Mollified in part by Athena's efforts to enlist them in the preservation of the new city through their attention to familial ties but also aware of the force of Zeus' thunderbolt, the Furies retreat into the depths of the earth and celebrate the birth of the city. Athena understands how much the city depends on the Furies, how they cannot be excised from the life of the city, even as they are "sped beneath the earth . . . home to the core of Earth" (1015, 1033). Reason cannot eliminate them without suffering sterility and civil war. It is the true wisdom of Athena to acknowledge their importance to the city even as she tries to hide them from the city's sight. The arc of Aeschylus' trilogy reminds us of how profoundly they remain part of the structure of the city.

A question mark that remains in Aeschylus' grand trilogy is why Apollo in organizing this trial and defending the matricide leaves aside the question of justice. Clytemnestra in the first play had portrayed herself as the perpetrator of justice, saying to the chorus of weak old townspeople: "Here is Agamemnon, my husband made a corpse / by this right hand – a masterpiece of Justice" (1429-30). She repeats later that she has repaid her husband for the evil he did her (1557). Likewise, Orestes is urged to repay his mother for the evil she has done. Justice must be served. Yet, instead of showing us a city built on the principles of a justice where evil is repaid, where crimes are punished, and where the power of the family bonds persist, Aeschylus shows us a city that is built on the conquest of what is according to the natural passions – the tortured love and revenge that marks the family of Argos. As recounted in the beginning of the *Eumenides*, Apollo, introducing civilization, had built roads where none had been before. He had civilized the wild, natural world of the priestesses when he arrived at Delphi; his civilizing journey preceded his Athenian venture when he civilizes the city with the denial of maternal and familial ties.

The gods at Orestes' trial are like Creon, who had tried to subdue the attachment Antigone had for her brother, to conquer those

emotions that demanded justice for him irrespective of the needs of the constructed city dependent on human. In the *Antigone*, the city based on human decrees denied Polyneices the burial rites justly due him from his family members. In their willingness to hear the voice of maternity despite the arguments of the gods, the majority of human judges in the *Eumenides* recognized those same commitments that Antigone had so feistily urged on Creon. The Olympians deny the claims of maternity and present the goddess with her virgin birth as a model for human judgment. The story of the *Eumenides* introduces an order and stability that is based on a false conception of birth and thus of justice across the generations.

Further, it illustrates the city banishing its past to the depths of the earth and looking primarily to a glorious future unbound by the history of its citizens. The founding of Athens marks a new conception of time, a time present and future, but not a time past that recognizes generational ties. The Furies had tried to enforce a justice that looked to the past, but in the new city there is to be the abstraction from the past and the processes of generation. There must be, Aeschylus seems to suggest, the transcendence of justice as backward looking. The goal is to ignore history in order to found the brilliant new city, and so the past is banished to the caves at the earth's core.

This is not to suggest that Aeschylus denigrates the foundation of the city and the civilization to which the gods have led the Athenians. Participation in the city may require transcending the natural world that unites the human being with the life forces characteristic of all animals.²⁴ But Aeschylus does not ignore what is lost in this process of building up the city. As the old gods protest their suppression, the powerful images of the earlier plays in which the familial ties of birth could not be so easily tossed aside remain. There was the anguish of Clytemnestra as she described the sacrifice of her daughter, the child she "labored into love" (1443). There was Orestes' resistance to committing the actual murder of his mother though urged on by Apollo himself and his friend Pylades. The sight of her bare breast stops him: "What will I do, Pylades – dread to kill my mother?" (886). He resists, though we have just seen the nurse warmly welcome him with reminiscences of him suckling at her – not Clytemnestra's – breast. That recollection does

²⁴ Cf. Aristotle who makes this point powerfully when he presents man as the political animal who only becomes fully human once he moves beyond the family of procreation and the village of bodily satisfactions to life in the polis.

not undermine his understanding of the depravity of what he is about to do to the woman who bore him. These images do not or should not disappear as the brilliant Athena presides over the trial proclaiming the irrelevance of motherhood.

Perhaps the old justice was executed by dark, vile women with swarming snakes for hair, as Orestes sees them at the end of the *Libation Bearers* and as they appear on stage at the beginning of the *Eumenides*. But that justice found its source in the powerful attachments that were fostered in the womb and are now denied. Gods must push humans toward this new conception of the city. Humans do not go there easily; they were born from human mothers and did not spring full grown from a god's head. They remain bound by the familial ties that attend to those who have preceded them and not only to those who will follow. The gods introduce the future-focused reason that forgets birth and the maternal breast.

Within the structure of the city newly founded on principles of rationality, the crimes of the father as father become the crimes of the citizen. The murder of one's child for the sake of an aggressive war may become legitimate, while the revenge of the mother for that murder may not. The city portrayed in Aeschylus' trilogy forces the family to abstract from particularistic ties and even praises deeds that the justice of the family would seek to avenge. Within the framework of the city grounded on rationality, the murder of a child may become a positive act.²⁵ Within the justice of the family, it never could be. The gods' exploitation of such arguments in the *Eumenides* signifies the acceptance of a new concept of justice, where justice comes from the impersonal definitions of the city. The family must remain blessed; procreation must continue to ensure the physical survival of the city, but the family with its particularistic ties and emotional bonds can no longer remain the seat of justice. The city now, as in Creon's speech in the *Antigone*, defines who are friends and foe – not the common womb.

When Athena brings the abstraction from particularity into the founding of the city, she undermines the central force of the familial relations. We may not resonate as powerfully to these connections in the tale of the family of Agamemnon as we do when they provide the core of Antigone's appeal in Sophocles' play. In the *Oresteia* the glory

²⁵ One might think here of the Brutus who killed his sons that surfaces prominently in the Machiavellian construction of the founding of the Roman Republic, *Discourses on the first Ten Books of Titus Livy*, I.16 and especially III.3, entitled "That It is Necessary to Kill the Sons of Brutus to Maintain a Newly Acquired Freedom."

of Athena's new city overwhelms the force of Antigone's appeal. While Creon's harshness may be hard to connect to Athena's stature in the *Eumenides*, I would suggest that they are uncomfortably similar in their common effort to give their cities a grounding in a forward-looking reason rather than in the familial connections rooted deeply in the past.

OEDIPUS TYRANNUS: HISTORY AND THE LIMITS OF RATIONALITY²⁶

The *Oresteia* tells the tale of the founding of the city that emerges from a forward-looking justice, a justice that denies history, one's parents, one's birth. In Sophocles' *Oedipus the King* we find again this tension between the past and the future, between family and city. In this play Oedipus, convinced of the power of his own intellect and its own capacity for creation, learns the power of history and the limits that that history places on what rationality can achieve.

Oedipus' status as ruler in Thebes comes, Oedipus believes, from his intellect. He alone could answer the Sphinx' riddle and thus he alone saved Thebes from the suffering the monster had inflicted on the city. We, the audience of the play, know that it is his birth that brings him from Corinth to Thebes and makes him the ruler there. Oedipus understands – at the beginning of the tragedy – the source of his status in the city very differently. Emphasizing his own powers of rationality and dismissing the powers of augury, Oedipus taunts the seer Teiresias when he cannot get the prophet to say what he claims to know: "For, tell me, where have you seen clear, Teiresias, / with your prophetic eyes, where were you with the prophet's wisdom? When the dark singer, / the sphinx was in your country, did you speak / words of deliverance to its citizens?" (390–92).²⁷ Moments later, he snaps at the priest: "But I came, / Oedipus, who knew nothing, and I stopped her. / I solved the riddle by my wit (*gnōmē*) alone. / Mine was no knowledge got from the birds" (396–98). In the late moments of the play, the chorus sings of the former glory of Oedipus:

In as much as he shot his bolt
beyond the others and won the prize
of happiness complete –
O Zeus – and killed and reduced to nought

the hooked taloned maid of the riddling speech,
standing a tower against death for my land." (1197–1201)

The "bolt" he shot had only the force of his intellect.

Oedipus believes that he relied on no one and on nothing except his own mind. Oedipus who knows nothing of his own history and the limits that that history may set – indeed has set – on his actions sees all as free and open. Rule in Thebes has come to him because of intellectual skills. He does not understand that he rules because of the gods, because of his history, because the world is hardly as free and open as he envisions. His tyranny is to see himself as free from the past, relying only on his intellect to interpret and construct the world in which he lives. Oedipus is an ancient version of Paine, imagining the birthday of a new world opening up for him to fashion through his mind, freed from disastrous choices made by others (his parents, the servant who did not leave him to die on the hillside) in the past. This imagined freedom from the past that Oedipus glories in is the source of the deepest tragedy and suffering.

In response to the oracle's injunction that the city of Thebes pursue and punish the murderer of Laius if they wish to end the plague that sickens all the city, Oedipus begins his investigation only to discover, of course, that he is the murderer, that the freedom for the human intellect in which he had so gloried earlier does not exist, that what he thought was an independence of action is no independence at all. Instead, his own history determines where he is and what he has done. Born from the parents who were warned not to have children, he lives as a slave of their violation of the decrees of the gods. When Creon returns from Delphi to report that the sickness plaguing Thebes comes from the failure to find and punish the man guilty of killing their king Laius, Oedipus immediately commits himself to discovering and punishing the killer, an intellectual challenge that he feels ready to meet. It is this search, of course, this sense of intellectual purpose that reveals the chains that history has placed on him and on the city that he now rules.

As Oedipus pursues the clues that will lead to himself as the object of his own investigation, his wife-mother Jocasta understands the truth of his origins before he does. At first, she appears the female analogue of Oedipus, using argument and calculation, reasoning through the evidence, insisting that many cannot be one. The lone witness to the murder of Laius had reported that it was a band of robbers who killed Laius at the crossroads. "Be sure, at least, that this was how he told the story. He cannot / unsay it now," she tells him (848–50). But

²⁶ This section builds on Saxonhouse 1988.

²⁷ I have used the translation of Grene 1991.

this is only a straw at which Jocasta grasps as she begins to realize who her husband is and who the murderer of Laius was. Unlike Oedipus, though, Jocasta, awakening to the truth of the impieties with which she is living, chooses to dismiss all limits on human actions, consciously to ignore the past that Oedipus had unconsciously disregarded. "Why should man fear since chance's rule is all in all / for him. . . . Best to live lightly, as one can, unthinkingly" (977-79). She who had earlier dismissed the gods' forewarning about bearing a child now asserts that man "can clearly foreknow nothing" (978). There is no naturally constituted order. Therefore all the prophecies of the gods are merely a source of fear for those who do not see the total openness of a world without limits. Jocasta's speech reveals a desperation, a longing for total freedom, a living in the moment. The randomness she posits denies any foundation – even that which might emerge from the human intellect. She longs to escape from any order, even one founded on reason, for fear of the limits it might set and the horrors it might reveal.

The chorus, frightened by the deep impiety of Jocasta's language, asks: "May destiny ever find me / pious in word and deed / prescribed by the laws that live on high: / laws begotten in the clear air of heaven" (863-67). The chorus retreats to an unchanging order decreed from above, not subject to human manipulation or control by speech. Jocasta is willing to live with the apparent impiety of her current life, to scorn the gods, to live in complete freedom in a world in which the son-husband is neither shameful nor lawless. Oedipus cannot match his mother-wife in her audacious vision of self-liberation and self-creation. He plunges himself into the self-mutilation that bears witness to the vanity of his efforts to find in the creations of the mind the source of political authority and order.

Oedipus rejects Jocasta's pleas to cease his search and view the world as random, without the causal connections that would tie the impiety of his marriage to the plague of sterility that infects Thebes. He concludes incorrectly that Jocasta, a queen, must be ashamed of the lowly birth that may lie in her husband's past, that she – unlike he – is bound by the conventions of the society in which she lives. How blind he really is! He sings now of his status as "a child of Fortune, / beneficent Fortune" (1080), but refuses to revel in the chaos that would have freed him from any restraints, ascribing only to the human world the disorder that Jocasta claims for the divine world as well.

Oedipus embodies the individual who attempts to disregard his paternity – his bounded origins – in his movement toward an individual freedom that allows him to be great on his own. It is a drunken man's

taunt about his parents that precipitates his trip from Corinth to Delphi where he will encounter Laius at the crossroads. While he was still in Corinth he was concerned with his origins, so concerned that it is simply that drunken man's mocking question that makes him pursue the truth about his past. But once in the open road between cities, he becomes free. The story of his birth matters no longer as he remains content in his assumption that his Corinthian parents are indeed his parents; the only limits on him then are that he not return to Corinth lest he kill his father and sleep with his mother. As he plays the detective in Thebes, however, he begins to wonder about his parentage and the uncertainties he uncovers make him at first suspect that he was born on the mountainside – that child of Fortune. Such a birth opens the way to the greatest freedom, the opportunity to be anything. As a wild child of the mountain, he demonstrates in his person, he can become king of Thebes through his wit.

Of course, from such optimism that envisions this marvelous freedom, Oedipus will crash into the realization that he is not Fortune's child at all, but is bound ever so tightly by the nature of his birth. He is a man of history and place, the forbidden child of Laius and Jocasta. When Oedipus initially exults in his false sense of freedom as Fortune's child, the audience knows well how ill founded this belief is and that Oedipus' world, far from being free, is profoundly circumscribed. The limits of biology and history lie at the heart of the tragedy of Oedipus. He came as the savior to Thebes, re-founding Thebes in a sense as he freed the city from the stranglehold of the Sphinx and replaced the murdered king. Freely, he walked into the city and, in Creon's language, set it straight. The freedom at the heart of contemporary constitution making exemplifies Oedipus' imagined freedom, Fortune's child, the opportunity to create greatness from the unstructured or the oppressed beginnings. Oedipus arrived at Thebes as its savior acting through reason, but in the process of ruling he brought pestilence to it, most particularly the pestilence of sterility for the animals and the crops on which the city depended for its livelihood. The tragedy of the *Oedipus* presents both the glory and the failure of the individual attempt of the political actor to rise above the mere body and build a world where reason, released from the defective body, alone is power.

The revelation that his birth and not his reason is the basis of his claim to rule is at the core of the tragic uncovering of this play. A political optimism that envisions a world of infinite possibilities, subject only to the imagination and reason, meets its match in the last crushing moments of the play. The play is an exploration of the necessary

grounding of power and authority in the direct experience of the world of physical birth. The tragedy of Oedipus is not the fall of a helpless and faultless ruler or the weakness of man subjected to divine laws, but the dashed hopes of the power of the mind to rise above the limits imposed by nature, by our biology, and by our past. Sophocles offers his play as a warning. Humans attempting the transformation of the world on the basis of abstract, calculating reason alone without regard to the limits of history or piety will call forth the Furies, enforcing limits on our creations and actions. In some sense, we are all like Oedipus, not in Freud's psychosexual terms, but in our desire to theorize and build from that theorizing, to impose an order on the world in which we live while rejecting Jocasta's attempt to view the world as completely random. When Oedipus appears on stage bloodied and blinded groping for his daughters, he incorporates the tensions between the limits that condition all our actions and the freedom our intellect imagines. Sophocles' play becomes a commentary on the modern assumptions of intellectual and political freedom to create, to build a grand new world through speech, to sing along with Paine "Happy Birthday" to this new world. The openness of constitution writing, the ancient tragedies suggest, must pay heed to the historical and physical grounding that they recognized as central to the success of political foundings.

CONCLUSION

Where do these great tragedies leave us – simply pawns of the gods, subject to their laws and their world, and subject as well to the biology of our past? Such "beginnings" do not sit easily in the contemporary imagination, so fond are we of forward-looking constitution writing. Attention to these tragedies is not intended to diminish the significance and power of such moments of creative speaking. But they do temper the optimism and remind us that such optimism marks a modern arrogance in the capacity of self-creation and liberation.²⁸ Thucydides

²⁸ Arendt reminds us in a footnote in *On Revolution* of Locke's constitution for Carolina "perhaps the first such constitution framed by an expert and then offered to a people" and then quotes from William C. Morely: "It was created out of nothing, and it soon relapsed into nothing" (Arendt 1990 [1963]: 300 n. 6). This obviously was not the fate of all such proposals, but consider the famous language of *Federalist* No. 1: "It has frequently been remarked that it seems to have been reserved to the people of this country . . . whether societies of men are really capable or not of establishing good government from reflection and choice, or whether they are forever destined to depend for their political constitutions on accident and force."

includes in his *History* a remarkable speech by the Corinthians to their Spartan allies urging them to attend to the threat that the Athenians pose. There the Corinthians describe the Athenians as a people who "are addicted to innovation (or what is revolutionary – *neōteropoioi*) who once they think of something (*epinoēsai*) swiftly accomplish it in deed . . . they alone are enabled to call a thing hoped for a thing got, by the speed with which they act on their resolutions" (1.70).²⁹ Though spoken by the Corinthians as a warning to the Spartans, the speech captures the Athenians self-conception, one which is so appealing to the modern mentality, but about which the ancient playwrights also want to warn the city. The powerful Books 6 and 7 of Thucydides recall the disastrous consequences of this love of novelty and this daring in the portrayal of the failure of the Sicilian expedition as the troops expire in the marshes and the salt mines outside Syracuse. The terrifying endings of *Antigone* and *Oedipus*, with the bloodied bodies and souls of Creon and Oedipus, serve as a harsh reminders to the Athenians (and us) of the limits of what speech and thought can accomplish. The shining goddess Athena can only demand that the city look forward and forget through harsh repression those powerful emotions that were born of just those limits that Oedipus and Creon were so eager to escape.

WORKS CITED

- Arendt, H. 1990 [1963]. *On Revolution*. London.
- Crawley, R., trans. 1982. *Thucydides: The Peloponnesian War*, rev. T. E. Wick. New York.
- Elster, J. 2000. *Ulysses and the Sirens: Studies in Rationality, Precommitment, and Constraints*, rev. ed. Cambridge.
- Fagles, R., trans. 1979. *Aeschylus: The Oresteia: Agamemnon; The Libation Bearers; The Eumenides*, rev. ed. Penguin Classics. Harmondsworth.
- Friedrich, C. J. 1963. *Man and His Government: An Empirical Theory of Politics*. New York.
- Gagarin, M. 1975. "The Vote of Athena." *American Journal of Philology* 96: 121–27.
- Grene, D., trans. 1991. *Sophocles I: Oedipus the King; Oedipus at Colonus; Antigone*, 2nd ed. Chicago.
- Paine, T. 1995. *Collected Writings: Common Sense, The Crisis, and Other Pamphlets, Articles, and Letters; Rights of Man; The Age of Reason*. New York.
- Saxonhouse, A. W. 1984. "Aeschylus' Oresteia: Misogyny, Philogyny, and Justice." *Women and Politics* 4: 11–32.
1986. "Autochthony and the Beginnings of Cities in Euripides' Ion." In *Greek Tragedy and Political Theory*, ed. J. P. Euben. Berkeley, CA.
- Saxonhouse, A. 1988. "The Tyranny of Reason in the World of the Polis." *American Political Science Review* 82: 1261–75.

²⁹ I use the translation of Crawley 1982 here with minor adjustments.

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1995. *Fear of Diversity: The Birth of Political Science in Ancient Greek Thought*. Chicago.
Strauss, L. 1953. *Natural Right and History*. Chicago.
Wolin, S. 1994. "Norm and Form: The Constitutionalizing of Democracy." In *Athenian Political Thought and the Reconstruction of American Democracy*, ed. J. P. Euben, J. R. Wallach, and J. Ober. Ithaca, NY.

3: MOST FAVORED STATUS IN
HERODOTUS AND THUCYDIDES:
RECASTING THE ATHENIAN
TYRANNICIDES THROUGH SOLON
AND PERICLES

Norma Thompson



TYRANNY AND THE EMERGENCE OF
HISTORICAL THINKING

Herodotus and Thucydides, jointly responsible for the invention of history in the West, suggest an intriguing connection between historical thinking and the overcoming of tyrannical aspiration. On this topic, the historians should be regarded as fundamentally like-minded. Both object to the conventional tale of how Athens freed herself of her tyrants, the story of Harmodius and Aristogeiton and their alleged overthrow of the Peisistratid ruling family in 514 B.C.E. In the process of contesting this cherished tradition and replacing the tyrannicides with their own favored characters, Herodotus and Thucydides carve out a role for the historian in defining political identity. Herodotus, the Father of History, steps into the shoes of Solon, famed wise man of Athens, while Thucydides, often referred to as the Father of Objective History, assumes a Periclean role, *his* character of choice.¹ Presumably each seeks to maintain control over the interpretation of these figures in a way that was not the case with the iconography

¹ Herodotus and Thucydides identify with more than *one* of their characters, of course; my interest here is in accounting for the most favored. Among other works that are germane, see Carolyn Dewald on Herodotus vis-à-vis the "savant" and the "trickster" (Dewald 1985: 49, 60), and Fornara 1971: 64–69, on Pausanias and Themistocles. Cleisthenes is not even a contender. As for Thucydides, David Grene and others have

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