

GREEK TRAGEDY AND THE LAW: ATHENA'S COURT IN EUMENIDES AND THE MODERN JUDICIAL PROCESS

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Abstract

Eumenides is the third part of a trilogy of plays that depicts the perpetration and consequences of matricide. The old system of vengeance and violence is replaced by due process and justice, when Athena is appealed to, and she hence sets up the first court that operates on reason. However, the new system is plagued by its own set of problems: first that it still remains rooted in violence and, therefore, is to an extent no different from the primitive and violent way of resolving disputes. Secondly, Athena's emphasis on reason manifests in the establishment of a set procedure, which as the play illustrates may not always lead to justice or the truth. Thirdly the foundation of the Athenian law is a gendered phenomenon. The scheme of the play is that the legal order, essentially male, displaces but then comes to include the female. This paper will examine these assertions and will also examine how the shortcomings that afflicted Athena's Court and legal process haunt the modern legal system as well.

I. Introduction

Greek tragedies provide a uniquely curated perspective into the legal and political thought of the day. These tragedies grapple with ideas of crime and punishment,² revolution and martyrdom,³ rights of the weak and the marginalised,⁴ and comment extensively on their ethical and social dimensions. However, since the existence of the specific scenarios contemplated in the dramas, is limited to the realm of the author's imagination, questions arise as to the extent of the historical reality that can be gleaned from these literary texts and more importantly, their relevance to modern legal theories. This paper will closely examine these questions and will apply an understanding drawn from them, in a critique of the legal system evolved in the narrative of the fifth century play written by Aeschylus, *Eumenides*, which closely resembles the modern legal system with its emphasis on due process and justice.

Eumenides is the third part of the *Oresteia*, a trilogy of plays that relays the savagery of the house of Atreus and its role in the slow march towards a just legal system. The first play, *Agamemnon*, details the murder of the Greek king Agamemnon by his wife Clytemnestra and the consequences that follow. In *The Libation Bearer*, Agamemnon's spirit urges his son Orestes to avenge his death by killing Clytemnestra and her new husband. Further instigated by his sister Electra and Apollo, Orestes accomplishes this onerous task and is then haunted by the *Erinyes* or the Furies who bay for his blood to avenge the murder of a mother by her son. *Eumenides*, the focus of this paper, presents the culmination of all these actions in the form of a terse courtroom

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² Aeschylus, Robert Fagles, *THE ORESTEIA*, Penguin Books, 1998.

³ Sophocles, *ANTIGONE*, Indianapolis: Hackett Publishing Co., 2001

⁴ Euripides, Murray and Nicklin, *THE SUPPLIANT WOMEN OF EURIPIDES: THE OXFORD TEXT OF PROFESSOR GILBERT MURRAY*, Oxford University Press, 1936

drama that celebrates the importance of due process. Ultimately, Athena pacifies the Furies and convinces them to accept the jury's decision, and they are henceforth known as the "Merciful Ones" or the *Eumenides*. Hence Athena's jury breaks the cycle of vengeance and violence that had plagued the family and establishes a just system of adjudication of crime based on logic and reason rather than passion and vengeance.

Athena's court has been hailed as mirroring principles which form the cornerstone of modern Anglo-American legal thought, seeking to provide both procedural propriety and substantive justice. However, this paper argues that the new adjudicatory system founded by Athena, was fraught with certain shortcomings, which rendered it similar to the old system promulgated by the Furies. This is discussed in two parts: the first part discusses the theoretical underpinnings associated in reading Greek tragedy to analyse law. It examines the relationship tragedies have with the law of the times and why Athenian laws remain relevant in our study of modern legislating cultures. The second part critiques the legal system evolved by Athena's Court and demonstrates how the perceived flaws of this system pervades modern jurisdictions to day. The criticism proceeds in three parts: the first argument seeks to establish that the violence that characterised the Furies' reign is present in the new legal system as well. The second, observes the problems with the procedural laws employed in the play and how these tend to play out in courtrooms today as well. The third part examines the gender bias that Athena's system was founded on and how a system bias against women prevails in the laws and legal system to this day and age. The paper observes that the new system must be viewed with some measure of apprehension, especially considering its use in the play as a tool of political and ideological expediency, rather than a mechanism of deciding on the truth, a reality that most judiciaries in the world face today.

Research Methodology

The method of doctrinal research has been employed with an extensive analysis of pre-existing literature. The research is essentially theoretical in nature and based on relevant and authoritative books and articles. For the purposes of convenience, this paper is divided into two parts: while the first part deals with the introductory theoretical underpinnings associated with the concept, the second part is analytical in nature, setting out to establish the conclusions of the paper.

II. *Theoretical Background*

This section will aim to examine the impact of Greek Tragedies on the study of law and why they are relevant to the modern day study of legal theories.

Law and literature scholarship is generally contingent upon the simultaneity of the legal and literary archives under consideration. For example, the lyric poetry that dominated the cultural scene during the cold war period in the United States was laced with strong themes of privacy, intimacy and confession. These themes correlated to a sharp surge in the discourse surrounding privacy law at exactly the same time.⁵ Hence, a contemporaneous availability of legal and literary texts can assist one in making claims of how each discursive field affects the other.

⁵ Deborah Nelson, *PURSuing PRIVACY IN COLD WAR AMERICA*, Columbia University Press, 2002

However, this mechanism of comparative analysis has not been available to the classicists who study Greek tragedies, since most of these tragedies were written in the fifth century BC, whereas the bulk of oratory that informs the legal archives in ancient Greece is found in the fourth century BC.⁶ Numerous approaches have been evolved to account for this lack.

1. Greek Tragedies and the Law

Initial attempts at drawing a link between law and Greek tragedies involved scholars associating one legal or political event to the narrative of the tragedy.⁷ However the classicist scholar Danielle Allen debunked this approach, contending that too little is known about such events in that period and this gap in knowledge leads to scholars speculating, hence striking at the scientificity of this method.⁸ She further claims that linking the happenings in tragedies with specific incidents hijacks the purpose and values of these tragedies which were meant to be a cathartic experience for its audience.⁹

Allen proposes a novel method wherein she claims that regardless of whether these dramas drew from particular incidents, they were most certainly tied up with the “*conceptual universe*” of Athenian law: they employed vocabulary and concepts peculiar to the prevalent politico-legal thought, garnishing them with heroes, gods and villains.¹⁰ This methodology explains the distinctly political flavour tragedies espouse, while providing a certain amount of leeway for our lack of knowledge on specific events. Hence, Allen argued that the conceptual underpinnings of Athenian legal thought could be found reflected in tragedies and the same could be gleaned from the text. In mining the texts of the tragedies for tangible equivalents in law, she found that anger was an underlying concept that backed most of the basic legal premises in ancient Greece.¹¹ According to her, the Athenian idea of retribution stemmed from the idea of anger of the community as a whole at a wrong that affected the collective conscience. She emphasised on the importance of the relationship that the community had with the wrongdoer and the idea that the offender had something to “pay-back”. Linking punishment and crime with the wrongdoer’s relations with people stemmed from an acknowledgement of the fact that community anger was an issue to be addressed ethically and legally and not swept away by philosophical musings.¹² She finds this exemplified in Oresteia’s text:

In tragedy characters invoke anger (e.g., thymos, kotos, orge) as the reason to punish but they also, in contrast to the orators, reiterate the idea that wrongdoing and its punishment involved the community in some sort of communal sickness. This is especially evident in the tellings and retellings of the myth of the House of Atreus, the story of how King Agamemnon won the Trojan War and returned to his hometown of Argos only to be killed by his wife Clytemnestra, who was in turn killed years later by their son Orestes. He then is driven out of the city by the Furies. All of the

⁶ Danielle Allen, *Greek Tragedy and Law*, in THE CAMBRIDGE COMPANION TO ANCIENT GREEK LAW, Cambridge University Press, 2005

⁷ Ibid

⁸ Ed., Michael Gagarin & David Cohen, THE CAMBRIDGE COMPANION TO ANCIENT GREEK LAW, Cambridge University Press, 2005

⁹ Ibid

¹⁰ Supra note 5.

¹¹ Danielle Allen, *Democratic Disease: Of Anger and the Troubling Nature of Punishment*, IN THE PASSIONS OF LAWS (Susan Bandes ed., 2005), available at:

¹²Ibid.

*versions of this story use the metaphor of disease to describe the effect of wrongdoing on the diverse members of a community who participate in an event of wrongdoing and its punishment...*¹³

2. Relevance of Greek Law and Concepts in Modern Jurisprudence

There are many theoretical and historical arguments which illustrate the influence Greek law had on modern jurisprudence: these mainly refer to its influence on the then primitive Roman law which would serve as the precursor to English Law and its secular nature which helped shape its procedural sophistication.¹⁴ However, there are certain practical arguments as well which endorse its relevance. Greek Law possesses several modern qualities that are congruent with current trends in Anglo-American theories. In contrast to England at the time which viewed law as a symbol of stability to be administered by a monarch who believed in a divine right vested in him,¹⁵ the conditions in which Greek law developed was characterised by “straightforward, consistent, logical embodiment of the political principles of democracy”,¹⁶ being contemporaneous with the rise of democracy. Hence, Greek society was then more similar to our present societies than it was to any of its contemporaries. Therefore, solutions to the problems our judiciaries face in the real world may be found in the Greek legal system. Their innovative albeit practical elements included their simple yet sophisticated process of civil litigation,¹⁷ and measures to relieve the courts of excessive burden by appointing examining officers as magistrates for trivial offences.¹⁸ Its most remarkable feature, however, was that of enacting laws: the ordinary legislative body had qualified powers and could only pass proposals. Revisions to statutes and new laws were enacted by a commission with highly demarcated powers which acted upon recommendations given by the public.¹⁹ It hence created a space for public participation in law-making, one of the lynch pins of democracy, and at the same time deterred misappropriation and misuse of legislative privilege.

2.1. Athena’s Legal System in Oresteia and Modern Law

In Oresteia, Athena convenes a court to try Orestes’ claims and weigh in on his possible guilt or innocence. She characterises it as a historical moment in Greek civilization, insisting that:

*[S]ince the burden of the case is here, and rests on me, I shall select judges of manslaughter, and swear them in, establish a court into all time to come.*²⁰

Athena’s court vows to break the cycle of violence and vengeance and instead institute a modality founded on reason and untainted by passion to dispense justice. The system she introduces has several features that align with modern law, which, in the twenty first century are taken for granted. These are deftly summed up in the following excerpt:

Athena’s court is public and political; by contrast, the regime it seeks to replace is private and familial, with aggrieved family members taking direct action themselves. Moreover, Athena’s system

¹³ Supra note 7.

¹⁴ George Miller Calhoun, *Greek Law and Modern Jurisprudence*, California Law Review, Vol. 11, July 1923.

¹⁵ Ibid.

¹⁶ Ibid.

¹⁷ Mitteis-Wilcken, *Grundzüge und Chrestomathie der Papyruskunde*, Leipzig, Vol. II, 1921.

¹⁸ Ibid.

¹⁹ *The Legacy of Greece* (Oxford University Press, 1921)

²⁰ Supra note 1, Eumenides, pp 481-84.

involves a process - an orderly and controlled process for hearing claims, rather than uncontrolled violence. Specifically, the system introduces a decision maker standing apart from the immediately interested parties: a judge presides, and there is a lay jury. This process involves reasoned discussion. The complainant and the accused present "witnesses" and "proofs." They appeal to rights, and they reason from abstract principles.²¹

With similarities in the basic structure of the legal system proposed by Athena and modern day judiciaries and the political climate in which the play was written in, it is safe to say that the problems that plagued Athena's court will dog the modern day courts as well. The subsequent section culls out certain flaws and drawbacks that Athena's court was characterised by and remain relevant even today.

III. Analysis of Athena's Court

Having established the link between the court convened by Athena and modern courts, the paper will proceed to identify the flaws in Athena's court and correspondingly, the form it presents itself in, in modern courts. Solutions to these problems lie beyond the pale of research as contemplated by this paper; it merely seeks to identify the red flags that the system hides, beneath the veneer of propriety and justice. These problems will be identified under three broad heads as follows.²²

1. Vengeance and Violence in Athena's Court

Athena's system was hailed to have done away with the system of mindless violence that prevailed: without her law, revenge would have to be vindicated by more revenge. Hence her court sought to break this cycle of violence and sought to emphasise notions of mercy and equity. However, this segment seeks to establish that this hallowed idea is not realised by either Athena's court or modern-day courts. There are two prongs to this argument: the first part states that both systems of law are founded in images of fear and retribution, the second part argues that both systems perpetuate violence.

1.1. Law is founded in Fear and Retribution

It is perplexing that the Furies, the "Wraiths of Wrath", are associated with the new legal system propounded by Athena, since they seem to contradict everything the new order stands for. What would account for Athena inviting them to hold an "honoured place in society"?

At first glance the reason would seem to be political expediency: The Furies threaten to, "let loose on the land ... vindictive poison" and Athena's move could be construed as strategic to preserve the peace of the land. However, a second and a deeper line of analysis would have us examine the Furies for what they really stood: "*complex forces of passion, linked at various points in the plays with vengeance, fear, anger, violence, conscience, instinct, the sense of hurt, memories of grief, the primitive, the emotional and non-rational*".²³ They were the embodiment of the bite of life, conscience personified. However, Athena does not merely tolerate them; she would have them "honoured" in her new

²¹ Paul Gewirtz, Aeschylus' Law, Harvard Law Review, Vol 101, 1988.

²² Maria Aristodemou, *The Seduction of Mimesis: Theatre as Woman and the Play of Difference and Excess in Aeschylus's Oresteia*, Classical Greek Themes in Contemporary Law, *Cardozo Studies in Law and Literature*, Summer, 1999,

²³ Supra note 20, at 1046.

regime. She gives the Furies this status because they actually have a major role in the conceptualisation and foundation of the new order: Fear and retribution are not a threat to law but rather are its partners. It promotes a respect for rights and “reverence for just”.²⁴ This is evidenced by the text:

*And from your polity do not wholly banish fear. For what man living freed from fear will be just?
Hold fast such upright fear of law's sanctity, and you will have a bulwark of your city's strength.*

She gives them a new abode underground which in a way is symbolic of the way the new order was structured: veneer of civil rationality, under which bubbled righteous, moral fury.

This latent anger and a need to evoke fear is characteristic of modern law as well. This is depicted in the theories of deterrent and retributive justice. Deterrence thrives on fear: fear of the law stops the general public from partaking in an act, fear of punishment stops individuals from repeating certain acts.²⁵ It satisfies a primitive yet intuitive urge of disciplining subjects in a paternalistic way: we all fear that sharp rap on the knuckles. A quick online survey across forums reveals that most of the supporters of the imposition of the death penalty do so since they believe that inculcates a greater fear of the law.²⁶

Further, scions of retributive justice argue that unless law gives vent to society's need for vengeance, it will manifest in other, uglier ways.²⁷ Scholars have characterised this need for vengeance as an intuitive sentiment, reflected in the community at large, and typically rearing its head as “retributive hatred”²⁸ Retributivists argue that the criminal act makes a false statement about the relative values of offender and victim, and that the purpose of punishment is to reassert the moral truth and to nullify the evidence of the offender's superiority provided by the crime.²⁹

1.2. Law Perpetuates Violence

At the end of the play, when Athena takes the Furies within the folds of her new order, they are not meant to suddenly embody reason and advocate logic. Rather they retain their old function of spreading terror and violence except that now this is deemed legitimate since they work *for* the system instead of *against* it.³⁰ Hence, not only has law not managed to eradicate violence, but also it legitimises certain forms of it. Police brutality often goes unchecked and reveals a systemic inclination towards the use of violence. In India, colonial laws that armed the police with unnecessary powers are still prevalent.³¹ The Indian state also provides blanket defence to armed forces for all of their acts in certain situations as per the provisions of the Armed Forces Special Protection Act.

²⁴Supra note1.

²⁵ Daniel Farrell, *The Justification of Deterrent Violence*, Chicago Journals, Ethics, Vol 100, No. 2, pp 301-317

²⁶ Ernest van den Haag, *The Ultimate Punishment: A Defense*, FrontLine,

See also, Arguments in Favour of Capital Punishment, Ethics Guide, BBC.

²⁷Sterba, James P. “Retributive Justice.” *Political Theory*, vol. 5, no. 3, 1977, pp. 349–362

²⁸Bazelon, D., 1976, “The Morality of the Criminal Law”, 49 *Southern California Law Review*, 49: 385–405

²⁹ Deirdre Golash, *The Retributive Paradox*, Analysis, Vol. 54 No. 2, April 1994

³⁰ Supra note 20.

³¹Rakesh Kumar Sinha, Police Brutality: Unaccountability and Disregard for Human Rights in India, News18 February 2, 2016

Jeremy Bentham in his positivist postulation characterised law as a command of the sovereign backed by sanctions.³² According to him, the state could control the sources of pain and pleasure of individual citizens.³³ However, it could be argued that Bentham's definition cannot accommodate Law's enabling, distributive and providing functions. Hence, following Bentham's definition, while there may be a link of violence with the law, it engages in a lot of other activities, and cannot be as a whole characterised as being violent. In contrast, Robert Cover in his seminal work theorised that violence was foundational to the whole idea of law, stating that violence associated with *both* the law making and law preserving functions in modern states.³⁴ He observed that Law making violence is the violence that constitutes the legal order and the government.³⁵ In *Eumenides*, this angle comes through with great clarity: there is a massive amount of familial bloodshed before "peace" is finally established. In the modern day and age, revolutions, coups and martyrdoms are common modalities to establish governance and are all underscored with violence: either to other or to one self in the case of martyrdom. Law-preserving violence refers to the violence incurred in maintaining the existing legal order.³⁶ This comes through more vividly in the earlier examples pertaining to police brutality. However, following Cover, we could argue that even the seemingly innocuous act of interpreting law for the purposes of rendering justice has with it associated a certain modicum of violence. In an adversarial system, the mere act of interpretation inflicts violence on the losing party, for example when one's ancestral property is snatched or one is denied custody of their children. Judgements have the power to violently disrupt the contending parties' normative worlds.

2. The Uncertainty of Procedural (Im)propriety

The climax of *Eumenides* depicted what was arguably the first jury trial in the Western world. It also presented the first defendant who avoided his just deserts on a technicality. In spite of following due process, the jury in *Eumenides* reached an impasse that was only resolved by Athena's intervention. Hence, an emphasis on process may not always yield the truth. Under this head I will be dealing with two systemic problems that the trial scene revealed to us in *Eumenides*. Firstly I will be dwelling on the problems associated with jury trials, following which I will examine the systemic bias that Athena nurtured and that influenced the outcome of the case, and relate this to how judges grapple with keeping their personal beliefs and ideologies separate from their judgement.

2.1. Jury Trial

In *Eumenides*, the jury trial bordered on farce, and the jury was unable to decide on the merits of the case even after having heard both sides extensively. This severely undermined the legitimacy of the procedures that the Council employed and somehow relayed that even in the new regime truth was an elusive goal. The new order was founded on expediency rather than any

³² Bentham, Jeremy, AN INTRODUCTION TO THE PRINCIPLES OF MORALS AND LEGISLATION, Clarendon Press, 1907

³³ Ibid

³⁴ Robert M. Cover, Violence and the Word, The Yale Law Journal, Vol. 95, No. 8, Charles L. Black, Jr. Festschrift (Jul., 1986), pp. 1601-1629

³⁵ Ibid.

³⁶ Ibid.

hallowed claim about truth and substantive justice. Athena, acting on a preconceived idea and personal experience, cast a decisive vote which set aside all the arguments presented:

*"My work is here, to render the final judgement Orestes; I will cast my lot for you. 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." I cannot set store by the woman's death -she killed her husband, guardian of their house. Even if the vote is equal, Orestes wins."*³⁷

The excerpt suggests that she comes to her decision based on her own experiences and not on the facts by themselves, hence rendering the paradigms of logic and reason inapplicable to her new regime.

A pressing problem that compromises the judicial process is the juries' ability to change law without fear of repercussion, and their ability to act tyrannically. A jury represents the legislative process to the extent that they are entrusted with the responsibility of both enacting and implementing law. A jury is not bound by rules of evidence and is at liberty to act in a contra-precedential manner and appeals are regularly made to evoke feelings of compassion,³⁸ and can hence act in a tyrannical way. As Abramson comments, the jury system is problematic since "it (the jury justice system) invites or at least permits an anonymous group of unelected people to spurn laws passed by a democratically elected legislature."³⁹ Hence, as Whittaker observes, juries are essentially a lawless institution, who aren't accountable in any manner.⁴⁰

In Eumenides, the overturning of established laws and traditions is copiously discussed when the civilian population sits in judgement and overthrows the Furies' mandate. As is succinctly explained in the following excerpt:

"The Furies, the embodiment of justice and the established traditions thereof, repeat a mantra of decrying the jury's capacity to overrule the long-standing institution of reciprocated violence as the only acceptable manifestation of justice. Prior to the trial, the chorus begins an extended monologue by saying, "Here is the overthrow of all the law, if the claim of this matricide shall stand good, his crime be sustained. Should this be everyman will find a way to act at his own caprice; over and over again in time to come"?"⁴¹ The prophetic statement has indeed been realized in the era of modern juries."⁴²

While setting new precedents is not per se undesirable, the issue crops up in the inconsistency of outcomes and sometimes blatant disregard for facts. For example in India, in the case of *Nanavati v. State of Maharashtra*⁴³, the jury sympathised with the defendant who had shot his wife's lover, and delivered a verdict of not guilty in the face of overwhelming evidence for it.⁴⁴ Further, going back to Athena's decisive vote, it is apparent that she had harboured a gendered bias and this informed her decision: this led to two consequences. The imagery of the foundation of law presented in the play is in starkly sexist constructs, and secondly, the impartiality that was required of her as a judge was vitiated.

³⁷ Supra note 1.

³⁸ V Hale Starr, Mark McCormick, JURY SELECTION, Volters Kluwer, 4thed.

³⁹ Jeffrey Abramson, WE, THE JURY THE JURY SYSTEM AND THE IDEAL OF DEMOCRACY, Harvard University Press, 2000

⁴⁰ Andrew M. Whittaker, *Jury Justice from the Classical Greeks*, Georgia College & State University.

⁴¹ Aeschylus, 152, 490-498

⁴² Supra note 39

⁴³ 1962 AIR SC 605

⁴⁴Ibid.

2.2. Bias of the Judge and Jury

Judges are expected to rule impartially on the merits of the case alone. However, that hardly ever plays out in reality, most are informed by their own socio-cultural as well as individual experiences and ideologies. To draw on popular culture, “12 Angry Men” effectively conveys the crux of this idea: it showed why a jury voted a particular way and the prejudices, convictions and sometimes plain indifference that urges them to do so. In *Eumenides*, Athena was in favour of Oresteia from the beginning: he had prayed to her to rescue him when he was being hunted by the Furies. Apollo, her brother, was both his lawyer and witness and in a way urged her to side with the new gods over the old. This plays out today as well: the US Supreme Court is well known for the ideological divide between the constituting judges.⁴⁵

3. Gendered Foundation of Athenian Law

The formation of law in *Eumenides* hinges on a gendered phenomenon. Certain stereotypes associated with either gender have been used to further the narrative and to establish its conclusion. Aeschylus depicted the Furies as a female force: they are the ones driven by their passions and emotions, their hurt and anger have been triggered by the events within a family sphere. Conventionally, emotions and the family sphere have both been the prerogative of the women. Within the scheme of the play, the Furies represent the female or at least Aeschylus’ idea of one.⁴⁶ The legal paradigm however was overwhelmingly male: the jury comprised of eight men, and it was Apollo, the God of law, who delivered the winning argument by claiming that killing a mother, was not tantamount to shedding familial blood, since it is the father who gives life. Athena was a woman, but she is represented to be an androgynous warrior, who “identifies with the male in all things”. In addition to these explicitly male features, the legal regime emphasizes reason, public process, and closure - things often associated with the “male.”⁴⁷ Simplified a bit, then, the gendered scheme of the play is that the legal order, essentially male, displaces but then comes to include the female. Today this idea remains as relevant as then. The feminist critique of law hinges on this idea that law has been used as an instrument to subjugate and suppress women. As John Stuart Mill observed: *The principle that regulates the existing social relations between the two sexes—the legal subordination of one sex to the other—is wrong itself, and is now one of the chief obstacles to human improvement; and it ought to be replaced by a principle of perfect equality that doesn’t allow any power or privilege on one side or disability on the other.*⁴⁸

This acceptance of the inequality of the sexes by the law has been amply demonstrated throughout the history of society: women were denied the vote, they were considered extensions of their husband’s personhood and the legitimisation of wife- law has historically been rooted in the patriarchal power structures it defends”.⁴⁹

⁴⁵Segal, Jeffrey A.; Spaeth, Harold J, *THE SUPREME COURT AND THE ATTITUDINAL MODEL REVISITED*, Cambridge University Press, 2002

⁴⁶ Supra note 20

⁴⁷ Carol Gilligan contrasts the male voice on moral questions, which tends to emphasize rights and individuation, with the female voice, which tends to emphasize the emotion of care and the web of social connection. See generally C. GILLIGAN, *IN A DIFFERENT VOICE* (1982).

⁴⁸ John Stuart Mill, *Chapter 1: The Question can be Raised*, *THE SUBJUGATION OF WOMEN*, 1830.

⁴⁹A Report by the Swedish government- Patriarchal violence – An Attack on Human Security, p8

IV. Conclusion

The play does herald a new order, a change in the perception and definition of law and dawn of substantive rights. However it is imperative to take this new order with a pinch of salt, and carefully assess the red flags that it throws up so that law as a system can develop further. Law has come a long way from when it was considered a divine intervention, as manifested in the Salem witch trials, to its current characterisation as modern and rational. It is imperative to keep this discourse lively and smooth out the systemic problems so that it can continue to evolve and be more inclusive. Eumenides, in a way offers a true mirror of the legal order that is the order of the day and is a prime example of how literature can offer meaningful insights and parallels to today's judicial process.