1 The birth of histories from the spirit of mourning

Why do we produce histories?

The answer frequently given in reply to that question is that histories seek to legitimate a present order of political and social power. That answer has usually taken one of two possible forms. The first form might be called the affirmative version, while the second form might be called the critical version, of the legitimation thesis.

The affirmative version of the legitimation thesis consists essentially in the claim that to speak of historical narratives as justifications of a current political order is to point to a cultural universal. This is what Hegel is asserting in his *Lectures on the Philosophy of History* when he declares that, whereas family memorials and patriarchal traditions have an interest confined to the family and the clan, the uniform course of events that such a condition implies is no subject of what he calls serious remembrance; 'it is only the state which first presents subject-matter that is not only adapted to the prose of History, but involves the production of such history';[1] by which he means to say that the existence of a political constitution, enshrined in a system of laws, implies both the ability and the necessity to set down an enduring record, because a system of laws cannot be thoroughly understood without a knowledge of the past. Malinowski would diverge from Hegel in the sense that he sees that narratives of past actions can justify a present social order even when archival state records are lacking; but he joins Hegel when, in his study of *Myth in Primitive Psychology*, he says that myth, as the form which those narratives originally took, is 'the dogmatic backbone of primitive civilisation' because, by providing an account of origins, it 'contains the literal charter of the community'; on this view, myth, no less than written records, serves principally to establish 'a retrospective model of behaviour'; it is a 'justification by precedent' which endows tradition 'with a greater value and prestige by tracing it back to a higher, better, more supernatural reality of initial events'.[2]

The critical version of the legitimation thesis consists essentially in the claim that historical narratives seek to justify a current political order, and that they do so by duplicitous strategies which exclude what will not fit into their

narrative schema. This is the gist of Lyotard's concept of metanarrative. In *Instructions païennes*,[3] his first extensive critique of metanarratives, what he calls the 'masters of metanarrative' serve the Communist will to power; in *La Condition postmoderne*,[4] his better-known work, they serve the narcissism of the West. Metanarratives are institutionalised, canonical and legitimating; they pretend to represent an external object and then they pretend not to be a narrative; they issue from what he calls 'the grand institutionalised narrative apparatus'; they are 'official'; they are the 'legitimations of theorists'; they tell the stories 'which are supposed to rule'. Against this type of narrative Lyotard counterposes the 'petit récit' and the 'petite histoire'. In their name he first came to align himself with the narratives of dissent coming from Peking, Budapest and the Gulag; later he was to say that little stories, local narratives, have, as their typical narrators, prisoners, appellants, prostitutes, students, peasants – in short, subalterns who do not claim omniscience.

Some of Foucault's work a little later in *L'Archéologie du savoir* [5] features notions very close to what Lyotard means by 'petit récit' and 'petite histoire'. To Lyotard's alignment with 'local histories' against 'ruling metanarratives' corresponds Foucault's quest for ruptures and discontinuities as against the credence in the linear schema of what he calls 'total history'. In *L'Archéologie du savoir* Foucault argues the need for concepts like threshold, rupture, break, mutation, which enable us to conceive of discontinuities; he urges the necessity of investigating scales that are distinct from one another and which 'cannot be reduced to the general model of a consciousness that acquires, progresses, and remembers'; he pleads for the recognition of different historical series that are juxtaposed to one another and that overlap and intersect 'without one being able to reduce them to a linear schema'. Just as Lyotard rejects the justifications of metanarratives, so Foucault rejects the justifications of what he calls total history: that concept of a total history which supposes that one and the same form of historicity operates upon economic structures, social institutions, political behaviour, technological practices and mental attitudes, subjecting them all to the same type of transformation; that concept of a total history which is interested above all in how continuities are established, how a single pattern was formed and preserved, how evolutionary curves might be tracked, how origins might be sought, how one might push back further and further the line of antecedents – how, in other words, legitimating histories might be written.

It was above all the opening of state archives that made history the memory, and so the legitimation, of the state.[6] It is true that before the opening of state archives in the nineteenth century, those who wrote the history of their own age had for hundreds of years produced the original narrative which their successors were for a long time happy to copy in broad outline; in this way they produced for their own lifetime legitimating histories which later

generations of historical writers would adhere to, handing on in their turn the legitimating narrations which they had themselves received.[7] And even before the opening of state archives much later, lay and ecclesiastical lords and corporations who were possessors of property rights and jurisdictions had deposited in archives charters and other documents designed to substantiate their claims to authority, and these documents became the objects of erudite scrutiny.[8] Donald Kelley has singled out law, and the Roman civil law in particular, as being filled with descriptions of past social practices, values and relationships, which subsequent historical study might try to reconstitute.[9] Law and religion, between them, furnished the foundations on which could be grounded nearly all forms of authority. Adam Smith believed that the crucial difference between ancient historiography and modern historiography lay in the fact that the latter, unlike the former, reconstituted past states of authority and constructed narratives around them with the intention of substantiating contested claims to authority in the present.[10]

In the remarkable connection between the development of historical writing and the occurrence of warfare we come across a proliferation of legitimating histories.[11] The relationship between these two phenomena was evidently a lively one in the case of Guicciardini's *Storia d'Italia*. But it was particularly in the aftermath of the First World War that politicians and men of action wrote memoirs in order to justify their past actions. Attention was focused in a number of countries on the question of the origin of the Great War. The Germans in particular, affronted by the 'War Guilt Clause' at the Paris Peace Conference, claimed that the issue could not be properly judged except by neutral historians; to this end they devoted a special periodical, *Die Kriegsschuldfrage*, which appeared between 1923 and 1928, to the topic.[12] When the *History of the Peace Conference of Paris* appeared between 1920 and 1924, its editor, Harold Temperley, stressed the importance of a work which conveyed accurately the atmosphere of the discussions; while the most notable British achievement in the sphere of contemporary history after 1919 was the publication, finally completed in 1938, of the *British Documents on the Origin of the War*, edited by G.P. Gooch and Temperley. This official documentation published not only the formal correspondence, as well as some of the private correspondence, of the most important participants, but also included important minutes attached to despatches after their receipt by the Foreign Office.[13]

Whether in this critical version or in the affirmative version, the legitimation thesis is persuasive because all institutional authority needs firm and reliable accreditation. It needs that retrospectively, and it needs it prospectively. Retrospectively, authority needs to be able to point to a proper descent; like the chief protagonist in *The Importance of Being Earnest* it must be able to justify its existence by reference to legitimate ancestors, and it should at

least be able to muster something like the twenty-generation genealogies claimed by the Tallensi or the king-lists of the Sumerians and Egyptians. Prospectively, authority needs to be remembered appropriately; like the young child whose survival depends upon not being forgotten, rulers have an overriding wish to outwit the threat of oblivion and they will seek to usurp the future as well as the past, with narrations of their famous actions, documents in their archives, buildings to affirm their glory and memorials to their deeds.

Who would argue with that? In fact, some might; and to give a preliminary indication of why they might, I cite an etymological fact and an anecdote.

The etymological fact relates to the verb 'to care', which used to have a meaning now declared obsolete, namely, 'to mourn'; so caring was once connected to memory through the idea of mourning.

The anecdote is related by the Russian poet Anna Akhmatova. In her famous poem 'Requiem', which contains the lines 'I stand as a witness to the common lot, survivor of that time and place', she refers to the Stalinist reign of terror, exercised by the secret police under the direction of Nikolai Ivanovich Yezhov, in 1937–8. She prefaces her poem with an anecdote. 'In the terrible year of the Yezhov terror', she recalls,

> I spent seventeen months waiting in line outside the prison in Leningrad. One day somebody in the crowd identified me. Standing behind me was a woman with lips blue from the cold, who had of course never called me by name before. Now she started out of the torpor common to us all and asked me in a whisper (everyone whispered there) 'Can you describe this?' and I said 'I can'. Then something like a smile passed fleetingly over what had once been her face.[14]

It would be well now to investigate in some detail a text that has good reason to be considered a historical narrative of legitimation but equally good reason to be thought a historical narrative of mourning. This text is Aeschylus' *Oresteia*.

The *Oresteia* centres upon a sequence of constantly repeated transgressions. All those who exact retributive justice in the first part of the trilogy, in *Agamemnon*, claim that they are acting in order to bring about a just retribution, yet the chain of murder which they set in motion is self-perpetuating; eventually, it seems that the acts of retribution no longer issue from some personal purpose or motive, but that they are generated rather by some impersonal force, from the inexorable action of a curse. There is a cascade of crimes. Social violence mechanically pursues a devastating course of action; a first murder, or a first offence, is followed by a second murder, or a second offence, to avenge the first, and then that in turn by a third to avenge the second.

The tragic action of *Agamemnon* takes place, as Richmond Lattimore has observed, at three interlocking levels: it is a tragedy of the *oikos*, a tragedy of warfare and a tragedy of politics.[15]

Agamemnon is at the most obvious level a domestic tragedy. The dominant figure in this, the first part of the trilogy, is Clytemnestra, a wife estranged from her husband Agamemnon on account of the grievous wrong he had inflicted upon their daughter, Iphigenia, by sacrificing her. Clytemnestra seeks revenge for the sacrifice of Iphigenia. Clytemnestra's paramour and partner, Aegisthus, is Agamemnon's cousin. Then, behind these relationships, stands the figure of Helen, Clytemnestra's sister, and the wife of Agamemnon's brother; it is Helen's treachery that caused the Trojan war, and then, in turn, the sacrifice of Iphigenia, and all the ensuing entanglements and acts of broken faith that follow on from this. This domestic aspect of the tragic action is underscored when Agamemnon, on his return from victory at Troy, describes himself as proof against all flatterers; yet, even as he does so, he is about to be trapped by flattery. For when Clytemnestra tells Agamemnon of all the torments which, she says, she was forced to endure during the period of his ten years' absence at Troy, what is she doing but misleading him by flattering him? This domestic feature of the tragic action is further highlighted in the second part of the *Oresteia*, the *Choephori*; there Clytemnestra speaks of her son, Orestes, as a serpent; in a dream she sees him hanging like a snake from her breast (*Choephori*, 527–34); and Orestes, in his turn, picks up the imagery of the snake and endorses it; 'It is I', he says, 'who, becoming a snake, shall kill her' (*Choephori*, 549–50). Yet is Orestes truly a snake? Surely, it is Clytemnestra herself who deserves the epithet. Clytemnestra has been compared to a number of animals – a lioness and, once (*Agamemnon*, 1233), a serpent that can move both ways – and it is she who is the viper that has killed the young of the eagle (*Choephori*, 246–9); when it is said that she is a 'sting-ray or viper' (*Choephori*, 994), the inevitable conclusion is that it is she, Clytemnestra, who is the real serpent.

Then again *Agamemnon* is a tragedy of warfare. Agamemnon was besotted not so much with Helen as rather with the idea of Helen. For the sake of this idea of Helen, Agamemnon was prepared to drain Greece of its manhood and to involve scores of innocent men in a military campaign lasting ten years. The Trojans themselves welcomed Helen and her captor; the punishment for their guilt was the total destruction of their city, their temples and their men, and the enslavement and defiling of their women and children. Neither Troy nor Greece deserved what the idea of Helen had led Agamemnon to do to them. He destroyed Troy and his own country as well. Many men died in the years of bitter siege before Ilium; the survivors were drowned or scattered during a great storm on their return journey; and in the end Agamemnon returned home with something utterly paltry, the crew of a single ship. The moment when Agamemnon, tempted by Clytemnestra, sets foot on the carpet with which she seduces and entraps him, we know, as we could perhaps not have known definitively at an earlier point, what the sacrifice of Iphigenia, his

daughter, really meant for him. At the time, Agamemnon had represented the act of murder as his necessary obedience to the orders of Artemis, in order that his fleet might secure a fair wind as it set out to conquer Troy. We now know, however, that the sacrifice of Iphigenia betrayed above all the weakness of a passionately ambitious man. And we know, too, what the capture of Troy really meant: the sacrilegious destruction of an entire city. What Agamemnon had earlier declared to be religiously permissible, the sacrifice of his daughter, was not an action he was compelled to commit despite himself; rather it demonstrated his passionate desire to do anything within his power so that he might open the way for the onslaught of his army on Troy. It was the violence of Agamemnon's passion and ambition that caused him to rush headlong into action. The particular quality which dominates the first half of *Agamemnon* is a constant change of mood, a perpetual pendulum swing; again and again joy changes into apprehension. The prologue of *Agamemnon*, with its intense mood-swings, expressed in scarcely more than forty verses, is proleptic: it anticipates the curve of the entire drama. The third choral incantation in particular sings simultaneously of victory and of defeat. This precipitates the distinctive rhythm of *Agamemnon*, a rhythm in which every tone of joy is undercut, again and again, by a tone of apprehension.

Then, finally, *Agamemnon* is a political tragedy. The chorus, who represent the elders of Argus, have seen that Agamemnon's war against Troy was wrong, and they have told him so (*Agamemnon*, 799–804). As the reports of fallen Greek soldiers and the return of urns bearing their ashes come back from the front, the people at home begin to mutter against Agamemnon and to ask why the war, which has cost so much in Grecian manhood, was fought.

If there are three levels to the tragic action of *Agamemnon*, there are three dominant leitmotifs in the trilogy of the *Oresteia*. There is the leitmotif of the hunt, the leitmotif of entanglement and the leitmotif of ritual sacrifice. These three intersect and are reciprocally enriching.

Throughout *Agamemnon* the imagery of animal hunting is dominant.[16] A hare with young is said to be devoured by eagles, an image in which the vanquished beast represents Troy, which will be caught in a net from which neither grown men nor children will escape (*Agamemnon*, 357–60). The chorus describes 'these countless hunters armed with shields' who 'rush in pursuit of the vanished trace' of Helen's ship (*Agamemnon*, 694–5). Again, the same characters, Agamemnon and Orestes, play the role first of the hunter and then of the hunted. Agamemnon hunts Troy and later is hunted by Clytemnestra. Orestes, the hunter in the *Choephori*, becomes in the *Eumenides* the quarry when the Erinyes are the huntresses (*Eumenides*, 231).

More elaborately worked out than the imagery of the hunt is that of the net and of entanglement.[17] This dominant image is expressed in various forms of speech. A 'curb' is forged in order to subdue Troy (*Agamemnon*, 132);

Iphigenia is gagged by a 'bit' (*Agamemnon*, 234); Agamemnon is said to be impelled to his crime by the 'yoke' of circumstance, just as the yoke of slavery is forced upon Troy (*Agamemnon*, 529); and a 'yoke' is forced also upon Cassandra (*Agamemnon*, 953, 1071, 1226); Agamemnon is said to capture Troy with the 'snare' of his huntsmen (*Agamemnon*, 358, 821), just as he in his turn is captured in a 'snare' (*Agamemnon*, 1375, 1611). The robe in which Clytemnestra entraps Agamemnon in order to strike him down is later displayed on stage as a murder exhibit by Orestes in the *Choephori* (980–4, 997–1004). When Clytemnestra tells of her dreams and of her imaginings of terror during the course of Agamemnon's ten years' absence at Troy, she says that 'had Agamemnon taken all the wounds the tale whereof was carried home to me, he had been cut full of gashes like a fishing net' (*Agamemnon*, 866–8). And once more returning to the image of the net as the device of entrapment, she says that just as 'fishermen cast their huge circling nets, I spread deadly abundance of rich robes and caught him fast' (*Agamemnon*, 1382–3). Then again, at the climax of Clytemnestra's revenge, she intones:

> An endless net, like a fish-net, I throw around him, an evil wealth of dress, and I strike him twice; and with two cries there on the spot he lets his limbs go slack; and then, when it is done, I add a third stroke, a welcome prayer-offering to the Zeus beneath the earth. So he belches out his own life as he lies there, and blowing forth a sharp wound of blood, he strikes me with a darksome shower of gory dew; and I rejoiced no less than the crop rejoices in the rich blessing of the rain Zeus bestows when the sheath is in labour with the ear. (*Agamemnon*, 1390–2)

Orestes later kills Clytemnestra in the same net in which Agamemnon was murdered (*Choephori*, 557–8); and, foretelling the murder of Aegisthus, he envisages himself 'enmeshing' his adversary 'in supple bronze' (*Choephori*, 576), the point of the epithet 'supple' here being that the pliability of a net can be used for enmeshing, whereas bronze, because of its inflexibility, is well adapted to fighting. Orestes says that 'having killed a revered hero by treachery', Clytemnestra and Aegisthus 'must themselves be caught and perish in the self-same snare' (*Choephori*, 556–7).

The third leitmotif of the *Oresteia* is that of ritual sacrifice.[18] The language of ritual sacrifice is a guiding thread throughout *Agamemnon*. Near the beginning of the drama, the choral song announces the portent of two eagles ripping to pieces a pregnant hare (*Agamemnon*, 137); this anticipates the demand of the goddess for 'another sacrifice' (*Agamemnon*, 151), a demand fulfilled when Agamemnon comes to sacrifice his own daughter (*Agamemnon*, 224). When news arrives of Agamemnon's victory at Troy, Clytemnestra makes preparations for a great sacrifice (*Agamemnon*, 83, 261, 587). Within the palace, as if in preparation for such a sacrifice, herds of sheep stand ready to be slaughtered (*Agamemnon*, 1056ff.). Later, after she has murdered

Agamemnon, Clytemnestra boasts that she has slain her husband as a sacrifice (*Agamemnon*, 1433, 1415 ff.), while Cassandra is yet one more sacrificial victim, going to her destruction with full knowledge: 'like a heifer driven on by a god, you go unafraid to the altar' (*Agamemnon*, 1126). Agamemnon, however, is said to have been slaughtered like a bull (*Agamemnon*, 1126). The sacrilegious nature of his murder is conveyed by the fact that, whereas all possible efforts are made to strike down a sacrificial animal with a single blow, and so to execute the act as painlessly as possible, Agamemnon is struck down three times (*Agamemnon*, 1384–6). We should notice at this point that Greek sacrificial rites displayed a marked ambivalence of feeling. When people made sacrifices in accordance with the will of a god, they still needed to overcome their reluctance to kill. They showed their deep respect for life by expressing feelings of guilt and remorse in the very process of carrying out ritual sacrifice. Whereas, therefore, the ritual of Greek sacrifice is designed to exhibit the destruction of a life as a sacred action, many complex preparations for the act of sacrifice are designed to underscore just how unnatural and just how shocking the act of sacrifice is felt to be. In this way, the opening phases of a sacrificial rite are shown to be harmless. A vessel containing water and the basket with the sacrificial barley are brought to the place of sacrifice by a virgin; and the participants in the ceremony wash their hands and sprinkle water upon the sacrificial victim. Such preparations for sacrifice demonstrate, by the contrast they offer, how sacrilegious are the ritual sacrifices in *Agamemnon*.

The imagery of ritual sacrifice in the *Oresteia* should alert us to the role played in the trilogy by the actions of the gods. The clash of human wills and desires in the trilogy is shown to be interlinked with the further fact that the universe of the gods is also in a condition of profound conflict. The gods are grouped into violently contrasting categories between whom agreement is difficult, perhaps even impossible, to achieve. That is because these different categories of gods belong to different levels of being.

The tradition of thought in which the universe of the gods is conceived to be in a condition of profound conflict continues to co-exist side by side in the *Oresteia* with the emergence of legal values and the development of a new legal terminology, even though the boundaries between the respective domains of religious terminology and legal terminology are as yet not clearly drawn and even though the indeterminate nature of that boundary itself is intrinsic to the tragic action. With the advent of law and the institution of the city courts the older religious conception of what constitutes a misdeed begins to wane. A new idea of crime is emerging. It is the particular merit of Gernet to have shown how, in this process, the role of the individual in the attempt to think about crime becomes more clearly defined, and how individual intention now begins to appear as an element that is constitutive of

criminal action, particularly in the case of homicide.[19] The development of a sense of subjective responsibility, and the fact that it now becomes possible to distinguish between an action that is performed despite oneself and an action that is carried out of one's own volition, is an innovation of which Aeschylus is aware and which he actively builds into the dramatic action of his trilogy. The historical advances which were brought about by the development of these distinctions had a profound effect on the concept of the person as a social agent. It changes the understanding of the individual's relationship to his actions. Yet, although Aeschylus employs technical legal terms in the *Oresteia*, that terminology remains ambiguous and incomplete. Legal terms are used, but they are employed imprecisely, their meanings change, and incoherencies remain in their application. Internal tensions remain within the system of Greek legal thought to such an extent that the question arises as to whether it can appropriately be described as a system; it never achieved the highly elaborated form of Roman law.

Tragic action in the *Oresteia* therefore occupies an intermediate terrain between the concept of defilement, on the one hand, and the concept of intentionality, on the other. Human error, which is still perceived to be an assault upon the religious order, is caught up in the throes of a malignant power that is understood to be far more extensive than that within which the human agent operates. The individual who commits error is perceived to be as it were swept up by a force that he has unleashed. The action does not issue, therefore, from an agent as from a source, but rather envelops that individual, engulfing him in a power beyond himself, a power that extends beyond the range of his own person and his personal actions. Rather than being its author, the individual is so to speak comprehended within a more all-encompassing action. Tragic guilt, therefore, is located between, on the one hand, the ancient religious concept of defilement, *hamartia*, a kind of delirium visited by the gods upon humans that necessarily generates crime, and, on the other hand, a new concept in which the one who is guilty, *hamarton*, is defined as someone who has deliberately chosen to commit a crime. The law, even if still in a hesitant manner, places the emphasis upon the ideas of intention and responsibility, because the individual is coming to be seen as someone who is more or less autonomous in relation to the religious powers which hold sway over the universe. This historical development is expressed in the tragic action: we see it at work when Orestes in the *Choephori* deliberates upon the intended act of retributive justice which he is to enact on his mother, Clytemnestra. This issues in a process of anxious self-questioning with respect to the relation of the agent to his actions.

The tragic action of the *Oresteia* must necessarily be located in an intermediate zone between a condition of religious defilement on the one hand and a condition of legal intentionality on the other because the ancient Greek

language is deficient in terms with which to express what might be called decisional density: deficient, that is to say, in terms adequate to describe how the individual comes to make a choice, comes to form a decision, becomes an agent, establishes the solid ground upon which it is possible to speak of the individual becoming an autonomous subject.[20] Indeed, it is precisely this deficiency, and the linguistic struggle to transcend that deficiency, which explains much of the force and poignancy in the tragic action of the *Choephori*. Orestes, it might be said, is struggling, together with his sister Electra, to constitute in his own person the category of the will, where by 'will' we mean the capacity to perceive the person as an agent, as a self seen as the source of actions for which it can be held responsible. But a fully elaborated category of the will was absent in Greek ethical thought; and, along with this, the ancient Greeks lacked a term corresponding to our concept of duty, and they possessed only a vague idea of obligation as we would now understand it.

It is possible to argue, as Bruno Snell has done, that in the *Choephori* Orestes arrives at 'a proud awareness of his freedom, a sense of autonomous action, which necessarily frees him of his old religious and social shackles'.[21] Since Orestes is obliged to avenge the death of his father, he must do so, and can only do so, by murdering his mother. This retributive act he achieves only after experiencing the cruel difficulty of his impasse. It is in this process that he discovers the contrast between fate and freedom. Standing as he does between divine commands, an obligation to his father and an obligation to his mother, his personal conflict issues in the final act of the trilogy, the *Eumenides*, in a struggle between the two hostile groups of gods: the Erinyes, who wish to punish Orestes for the murder of his mother, and Apollo, who clears him from guilt. When, in the *Choephori*, two deities make irreconcilable claims upon him, Orestes is obliged to fall back on his own resources. Becoming irresolute and incapable of spontaneous action, he finds that he is impelled by the conflicting demands made upon him to reflect, in his own terms, upon the question of right and wrong action. It is by this route that Orestes arrives, according to Snell, at a proud sense of his capacity for autonomous action.

In opposition to Snell's interpretation, which has of course audible Hegelian overtones, André Rivier has argued that the emphasis placed by Snell on the decision made by Orestes underestimates the superhuman forces at work in the *Choephori*, and elsewhere in the *Oresteia*, forces that go far to explain the tragic dimensions of the action in the *Oresteia*.[22] For, as Rivier interprets the matter, all that Orestes' deliberations achieve is to make him aware of his impasse. Rather than Orestes 'choosing' between the possibilities, he 'recognises', according to Rivier, that there is only one option open to him. In that sense he is still internally 'compelled' even in the process of making his 'decision'.