



GOVERNMENT
PRINCIPALITY OF LIECHTENSTEIN

MINISTRY OF
SOCIAL AFFAIRS AND JUSTICE

Speech by Minister Dr. Emanuel Schädler

Minister of Social Affairs and Justice

at the
Symposium on the 100th Anniversary of the Constitutional Court of
Liechtenstein
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Vaduz Town Hall

Esteemed presidents and judges
of the various constitutional and international courts
Distinguished members of the Venice commission
Distinguished constitutional law scholars
Ladies and Gentlemen

As Minister of Justice, I am delighted to convey the government's greetings to this international conference. The occasion for our gathering today is the establishment of the Liechtenstein Constitutional Court one hundred years ago, in 1926. So the conference is about the founding of a court of justice—and there is an archetypal image of this in Greek mythology that I would like to share with you.

The ancient Greek tragedy writer Aeschylus, who lived in the 5th century B.C., wrote a play titled «The Eumenides» (Εὐμενίδες, translated: «The Well-meaning Ones» or «The Well-intentioned Ones»). This positive title already suggests: there is a happy end. However, the path to that is a gruesome tale. In summary: the tragic hero Orestes kills his mother Clytemnestra in revenge, because she had previously murdered her husband, that is Orestes's father. After Orestes's deed of revenge and after killing his mother, he is pursued and tormented by the so called Erinyes (Ερινύες, in Latin: «Furies»). These are highly unpleasant, punishing, tormenting demi-gods, of whom it is said (all the following texts translated from Gustav Schwab):

Daughters of the night and as black as it, of a terrifying form, superhumanly tall with bloodshot eyes, snakes in their hair, torches in one hand, and whips woven from snakes in the other, they pursued the matricide Orestes at every turn.

To judge Orestes's deed fairly (and to save him in the end), Athena, the goddess of wisdom, establishes an ad hoc criminal court and she declares:

«Hear this decree from the founder of your city, citizens of Athens! Now that you are adjudicating the first dispute over bloodshed! For all time to come, this court shall stand within your walls. Here on this sacred hill of Ares the Areopagus, named after this place, shall hold its court of blood. ...

... I establish him—uninterested in gain, venerable, stern, a watchful guardian over the sleepers throughout the land. All of you, the inhabitants, shall revere his dignity and protect him as a beneficial pillar of your city, such as no other people in Greece or among the foreigners possesses. Let this be decreed for the future.»

The verdict over Orestes is extremely close: the number of votes for and the number of votes against his conviction is exactly the same. Consequently, the presiding goddess of wisdom has the deciding vote: Orestes is found not guilty. So, the court has

proven its worth and remains in existence under the name Areopagus. And then the transformation happens: The gruesome and furious Erinyes become the appeased Eumenides, who henceforth protect the city of Athens and the new court:

Such promises gradually appeased the wrath of the stern goddesses of vengeance; they vowed to take up their gracious abode in the land, felt highly honored. And finally their hearts softened so much that they, too, made the solemn promise to shield the city, to keep bad weather, sunburn, and deadly plagues from their territory, to protect the country's herds, to bless the bonds of marriage, and to promote the welfare of the entire country in every way.

Happy end.

Such mythological images must always be understood symbolically. I do not want to interpret them too much. It is enough for us today to note: Wisdom establishes a court. The court becomes a symbol of institutionalized justice and, above all, of individual fairness! It becomes a symbol of the Poleis's (the city-states, perhaps comparable to our mikro-states) stability and prosperity. And it becomes a symbol that the law, as a technical instrument, always points beyond itself to the universal—both human and divine.

Perhaps every anniversary celebration of a court—and so also today with our Liechtenstein Constitutional Court—is seen a little bit in the described mythological and archetypal light of the Western «Geistesgeschichte». You decide that for yourselves. In any case, hopefully, I have succeeded in awakening or re-awakening your interest in Greek mythology.

With this in mind, I wish you an inspiring day and am delighted that you are our guests here in Liechtenstein for the conference!

Thank you very much.